

Sent by e-mail

FAO

**Stichting Global Reporting Initiative**

e-mail: [reportservices@GlobalReporting.org](mailto:reportservices@GlobalReporting.org)

**Subject: Direct award pursuant to art. 1, paragraph 2, letter a) of Legislative Decree no. 76/2020 as converted by law 120/2020, aimed at stipulating a contract for GRI Content Index - Essentials Service.**

**SMART CIG: Z0939DB7AF.**

**Request for Proposal**

By means of a determination to contract signed on 7<sup>th</sup> 01/2023 Consip S.p.A. single-member joint stock company (hereinafter also Consip) has resolved to entrust the service of GRI Content Index - Essentials Service.

Consip S.p.A. is performing this procurement action by the assignment to Stichting Global Reporting Initiative because Stichting Global Reporting Initiative, producer and sole distributor of the services object of the acquisition, allows to satisfy Consip specific requirements.

The person in charge of the procedure is Francesco Licci, without prejudice to the application of art. 31, paragraph 10, of the Code. The person in charge identified pursuant to art. 2 of the law decree n. 76/2020, converted with amendments by law no. 120/2020, for the purposes of the provisions of the law itself, is the "Sourcing operation" Division Manager, who in compliance with the powers currently assigned to him, validates and approves the various procedural steps.

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The Supplier may not claim any right to other compensations, adjustments or increases of the fees agreed upon in contract, except as provided for by art. 106 of Legislative Decree 50/2016 for recurring and continuous contracts.

\* \* \* \*

**Consip S.p.A., single-member joint stock company**

Registered Office: Via Isonzo 19/E – 00198 Rome

T +39 06 85449.1 – F +39 06 85449 281 – [www.consip.it](http://www.consip.it)

Fully paid-in share capital of €5,200,000.00 Tax Code and VAT no. 05359681003

Listed on the Companies' Register at the Chamber of Commerce, Industry, Trades and Agriculture of Rome under no. 05359681003

- REA (Economic and Administrative Index) no. 878407

Document classification: Consip internal



In light of the considerations above, the company is therefore required to send to Consip S.p.A., by 20<sup>th</sup> 02/2023 its Bid Declaration, complete with all the documentation indicated hereinafter to the certified e-mail address: [ufficioacquistisottosoglia@postacert.consip.it](mailto:ufficioacquistisottosoglia@postacert.consip.it) and to: [francesca.perinelli@consip.it](mailto:francesca.perinelli@consip.it).

Please note that, in order to send the documentation indicated hereinafter, which is mandatory in order to participate in the procedure, a certified e-mail address attributable to the supplier has to be used.

In particular, the competing company must insert the following data into the subject line of the e-mail:

***“Purchase request no. 51334 – attn. Francesca Perinelli”***

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

- a) mandatory declaration in accordance with the facsimile in Annex 1, i.e. a document/declaration to be issued in accordance with Italian Presidential Decree no. 445/2000, containing the certification of possession of the requirements established by art. 80 of Italian Legislative Decree no. 50/2016, the absence of the grounds for prohibition laid down in paragraph 16-ter of art. 53 of Italian Legislative Decree no. 165/2001, as well as the further declarations included in the facsimile in Annex 1 to this Request of Proposal (to this end, the said facsimile must be used).  
With reference to the cases referred to in art. 80, paragraph 4, of the Code, as amended by D.L. 76/2020, converted with amendments by law 120/2020, all provisions including those that are not definitive must be declared.

With reference to the cases referred to in Article 80, paragraph 4, of the Code, it should be noted that, pursuant to the provisions of art. 10, paragraph 1, lett. c of the L. 17 January 2022, n. 238, economic operators, limited to violations not definitively ascertained in tax matters, will be required to declare within Annex 1, only violations not definitively ascertained for an amount exceeding 35,000 euros.

The aforementioned document must contain a declaration in which the competitor declares to have read and expressly accept the clauses and obligations contained in the “Integrity Agreement”, including the sanctions referred to in art. 5 of the Agreement itself, also in relation to the criminal offenses referred to in paragraph 1, letter d), point i) of the same article. The conditions of the integrity agreement will be considered accepted as a result of the signing of the application form.

The aforementioned declaration must be submitted in electronic format, complete with the signature of the legal representative of the competing company, or, in any event, a party vested with proven signatory powers.

- b) a declaration providing the identification details of the bank account (s) attached (s) to this contract, as well as the general (name and surname) and the Tax Code of the persons delegated



to operate on said account (s) in compliance with the provisions of Article 3, paragraph 7 of Law No.136 / 2010 (**Supplier Data sheet and declaration on the traceability of financial flows**).

With reference to the cases referred to in Article 80, paragraph 4, of the Code, it should be noted that, pursuant to the provisions of art. 10, paragraph 1, lett. c of the L. 17 January 2022, n. 238, economic operators, limited to violations not definitively ascertained in tax matters, will be required to declare within Annex 1, only violations not definitively ascertained for an amount exceeding 35,000 euros.

With reference to the cases referred to in **art. 80, paragraph 5** of the Code, it is specified that the assessment of the seriousness of the conduct carried out by the economic operator is left to the contracting authority. Therefore, all the cases falling within the scope of application of the aforementioned paragraph 5 must be declared in the Single Procedure Document.

In this regard, it should be noted that:

- in relation to the cases referred to in art. 80, paragraph 5, lett. a) of the Code (infringements of the rules on health and safety at work as well as of the obligations referred to in Article 30, paragraph 3 of the Code), the economic operators are required to declare all the infringements duly ascertained, including those which gave rise to convictions (even if not definitive), against the subjects referred to in art. 80, co. 3, of the Code, for conduct carried out in the exercise of the functions conferred by the competing economic operator;
- without prejudice to the provisions of the Guidelines no. 6/2016 and subsequent amendments of the ANAC, economic operators are required to declare all the executive measures of the Antitrust Authority. In accordance with what clarified by the AGCM (See, among others, opinion S3726 / 2019), the declaration relating to any executive measures of conviction for unfair commercial practices must not be made, as the choice to include these convictions in the the bed of professional offenses cannot be identified as a cause for exclusion from participation in tenders. The contracting authority will assess the executive measures of the Competition and Market Authority for convictions for antitrust offenses affecting public contracts and put in place in the same market as the subject of the contract to be awarded.
- in relation to the cases referred to in art. 80, paragraph 5, letters c and c-bis, economic operators are required to declare, for all subjects referred to in art. 80 paragraph 3:
  - all convictions that have become final, issued in the three years prior to the date of sending the Offer Request Letter, for crimes other than those contemplated by art. 80, paragraph 1 of the Code,
  - non-definitive sentences for the crimes referred to in art. 80, paragraph 1, of the Code and for those indicated in par. 2.2 of the Anac Guidelines n. 6;



- committal for trial or restrictive measures ordered in the context of pending criminal proceedings, for the types of offenses referred to in art. 80, paragraph 1, of the Code;
- any other fact that is the subject of a pending criminal proceeding that has relevance to the subject of the contract and that has a concrete impact, in a negative way, on the integrity and reliability of the economic operator.

The declarations relating to the pending proceedings referred to above (non-definitive sentences, indictments or precautionary measures) must be made with reference to all the proceedings in place at the time of submission of the offer, in this case the time limit of the three-year period is not applied. prior to the date of dispatch of the Offer Request Letter:

- in relation to the cases referred to in art. 80, paragraph 5, lett. c-ter), indicated in the aforementioned Anac Guidelines no. 6:

- for disputes of inaccuracies in the execution, the obligation to declare exists only if these have been reversed in sanctioning measures (e.g. termination of previous procurement contracts, provisions for the application of penalties) as long as they refer to the three years prior to the publication of the notice, starting from the date of adoption of the administrative measure or in case of contestation in court, from the date of the judgment becoming final;

- in the case of measures for the application of penalties, also on the basis of the same Guidelines for which the contracting authorities are required to communicate to the Authority for the purposes of registration in the IT register the measures for the application of higher penalties, individually or cumulatively with reference to the same contract, at 1 percent of the amount of the contract itself, there is an obligation to declare only for penalties of an amount exceeding 1% of the value of the contract to which they refer (in the case of framework contracts or agreements 1% of the total value of the same, in the case of several lots of the contract relating to each lot).

It is specified that Consip will not take into consideration and assess any disputes not reversed in sanctions and / or penalties of an amount lower than the aforementioned value, where communicated.

**In the case of relevant cases, in order to allow the contracting authority to make any appropriate assessment, all relevant documents must be produced, including, by way of example, any conviction, indictment, application of precautionary measures, resolution, withdrawal, application of penalties, as well as any related self-cleaning measures adopted.**

\* \* \*

- a) a copy of the power of attorney in the case of a statement made by a person with power of attorney whose name and powers are not reported at the Chamber of Commerce
- 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 3.000,00 (threethousands/00).

- c) A **declaration** providing the identification details of the bank account (s) attached (s) to this contract, as well as the general (name and surname) and the Tax Code of the persons delegated to operate on said account (s) in compliance with the provisions of Article 3, paragraph 7 of Law No.136 / 2010 (**Supplier Data sheet and declaration on the traceability of financial flows**).

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In compliance with the provisions of art. 8, paragraph 1, lett. a) of Law 120/2020, without prejudice to the right to proceed with early execution pursuant to art. 32, paragraph 8 of Legislative Decree. 50/2016. Failure to sign the contract within the deadline referred to in art. 32, paragraph 8, as amended by D.L. 76/2020, if attributable to the economic operator, constitutes cause for exclusion of the operator from the procedure.

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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 pursuant to art. 13 of the EU Regulation n. 2016/679 on the protection of individuals with regard to 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 are collected and processed by Consip S.p.A. to verify the existence of the requisites required by law for the purposes of participation in the tender 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, in fulfillment of specific legal obligations deriving from the legislation on public procurement and contracts;
- the data provided by the winning bidder are 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 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 laid down in the 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 telematic means 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 takes care of the bidding process, from the staff of other offices of the same company that carry out activities related to it, as well as from the offices of the same company that deal with activities for study and statistical purposes;
- 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 any external parties, who are part of the awarding and testing commissions that will be established from time to time;
- communicated, subject to the conditions, to the Ministry of the Economy and Finance or to another Public Administration for which Consip S.p.A. carries out activities in accordance with the by-laws, with regard to the data provided by the winning bidder;
- communicated to other competitors who request access to the tender documents within the limits allowed under the law of 7 August 1990, n. 241;
- 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 may be disseminated via the websites **[www.consip.it](http://www.consip.it)**, **[www.acquistinretepa.it](http://www.acquistinretepa.it)** and **[www.mef.gov.it](http://www.mef.gov.it)**. In addition, the information and data concerning the participation of the Competitor in the tender, within the limits and in application of the principles and provisions on public data and the re-use of public sector information (Legislative Decree 36/2006 and art. 52 and 68, paragraph 3, of Legislative Decree 82/2005 and subsequent Direct award pursuant to art. 1, paragraph 2, letter a) of Legislative Decree no. 76/2020 as converted by law 120/2020, aimed at stipulating a contract for Materiality Disclosures Service for Corporate - Core – Regular Service Timeline



amendments), may be used by the MEF and by Consip, each for its own responsibility, also in aggregate form, to be made available to other public administrations, natural and legal persons, including open data. In addition to the above, in compliance with the legal obligations that impose administrative transparency (Article 1, paragraph 16, letter b, and paragraph 32 of Law 190/2012, article 35 of Legislative Decree No. 33/2012; as well as Article 29 of Legislative Decree No. 50/2016), the competitor / contracting party acknowledges and agrees that the data and documentation required by law to publish, be published and disseminated, using the conditions, via the website **www.consip.it**, section "Transparent Company" and the website of the Client **www.sogei.it** for the activities of their respective competences.

In fulfillment of legal obligations, the data could be transferred to an international organization.

#### **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 are transferred from the competitor to the contracting authority .

The interested party is granted the rights referred to in Article 7 of the Privacy Code and referred to in articles. from 15 to 22 of the EU Regulation. In particular, 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 art. 7 of the Privacy Code or by the 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 his rights before the judicial authority or by contacting the Guarantor for the protection of personal data through specific complaint, appeal or report.

#### **Data controller**

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 art. 7 of the Privacy Code and referred to in Articles from 15 to 23 of the EU Regulation and to request an updated list of data processors, companies 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 pro tempore of the Competitor / bidder acknowledges and consents expressly to the treatment as defined above of the personal data concerning him.

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

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Yours sincerely,

*Divisione Sourcing Operation  
Division Manager  
(Gianandrea Greco)*

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**Annexes:**

Annex – Supplier Data sheet and declaration on the traceability of financial flows