

ANNEX 1

FACSIMILE OF MANDATORY DECLARATION

***(ISSUED IN ACCORDANCE WITH ARTS. 46 AND 47 OF ITALIAN PRESIDENTIAL DECREE
NO. 445/2000)***

FAO

Consip S.p.A.

Via Isonzo, 19/E

00198 ROME

ANNEX 1 – MANDATORY DECLARATION, ISSUED IN ACCORDANCE WITH ARTS. 46 AND 47 OF ITALIAN PRESIDENTIAL DECREE NO. 445/2000, FOR *DIRECT AWARD PURSUANT TO ART. 50, PARAGRAPH 1, LETTER B) OF LEGISLATIVE DECREE NO. 36/2023 FOR THE CONCLUSION OF A CONTRACT FOR AN AUTOMOTIVE COMPARISON AND CONFIGURATION DATABASE.*

The undersigned _____, born in _____ on _____, with business address at the company office indicated below, in his/her capacity as _____ and legal representative vested with the necessary powers to commit _____ in this procedure, with registered office in _____, (Street/Road) _____, share capital of Euro _____ (_____), listed on the Business/Companies' Register of _____ under no. ____, Tax Code _____ and VAT no. _____, hereinafter referred to as the "*Company*",

- pursuant to and in accordance with art.76 of Italian Presidential Decree no. 445/2000 is aware of the civil and criminal liabilities and consequences laid down in case of false statements and/or creation or use of false documents, as well as in case of submission of documents containing data which no longer reflect the truth. In addition, if the content of this declaration should result to be false then the Company that drafted this document will lose the benefits for which it is issued;
- for the purposes of this direct award pursuant to paragraph 1), letter b) of art. 50 of Italian Legislative Decree no. 36 of 31 March 2023

HEREBY DECLARES, TAKING FULL RESPONSIBILITY FOR SO DOING

- a) that this Company, has been listed since _____ on the **Business/Companies Register of** _____, under number _____, operating in the field of _____,

- ☐ falls within the category of **Micro, Small and Medium-Sized Enterprises** according to the parameters set by European Commission recommendation 2003/361/EC of 06 May 2003

Or (INDICATE THE RELEVANT FIELD WITH AN X AND DO NOT DELETE THE OTHERS)

- ☐ does not fall within the category of Micro, Small and Medium-Sized Enterprises according to the parameters set by European Commission recommendation 2003/361/EC of 06 May 2003;

- b) ☐ **94 paragraph 3 and 4 Legislative Decree. n. 36/2023 (INDICATE THE RELEVANT FIELD WITH AN X AND DO NOT DELETE THE OTHERS, in the presence of more than one legal representative, repeat as many times as necessary):**

name _____ surname _____, born in _____, on _____,
Tax Code _____, residing in _____, appointed on _____ until _____,
with the following powers associated with the office:
_____;

OR AS AN ALTERNATIVE

- ☐ That this company has no other persons authorized to act

- c) based on the results of the shareholders' register, the communications received and any other data at their disposal, the shareholders listed below appear, owners of the shares/capital quotas reported alongside each of them:

..... %

..... %

total 100 %

- d) ☐ that the information in the shareholders register, as well as the communications received from the holders of said shareholdings, has shown the following **real rights of use or security** interests over shares/units granting voting rights:

_____ in favour of _____,

_____ in favour of _____,

Or (INDICATE THE RELEVANT FIELD WITH AN X AND DO NOT DELETE THE OTHERS)

- ☐ that there are no real rights of use or security interests over shares/units granting voting rights;

- e) ☐ that in the shareholders meetings held during the financial year preceding the date of

this declaration, the following persons exercised their **voting right** by virtue of an irrevocable power of attorney, or at least were entitled to do so:

_____ on behalf of _____
_____ on behalf of _____

Or (INDICATE THE RELEVANT FIELD WITH AN X AND DO NOT DELETE THE OTHERS)

- ☐ that **no voting right** was exercised by virtue of an irrevocable power of attorney or an equivalent title;

* * *

A. GROUNDS FOR EXCLUSION FOLLOWING CRIMINAL PENALTIES ACCORDING TO PARAGRAPH 1 OF ARTICLE 94 OF LEGISLATIVE DECREE NO. 36/2023 AND REFERRED TO ART. 57 OF THE 2014/24 DIRECTIVE:

- a. Participation in a criminal organization;*
- b. Corruption;*
- c. Fraud;*
- d. Terrorist crimes or crimes related to terrorist activities;*
- e. money laundering or terrorist financing;*
- f. Child labor and other forms of human trafficking.*

1. ☐ The subjects referred to in art. 94 paragraphs 3 and 4 of Legislative Decree 36/2023, listed above, **have not been convicted** with a final sentence or criminal decree of conviction which has become irrevocable or for the crimes referred to in the art. 94 paragraph 1.

OR

- ☐ The subjects referred to in the art. 94 paragraphs 3 and 4 of Legislative Decree no. 36/2023, listed above, **have been convicted** with a final sentence or criminal decree of conviction which has become irrevocable or for the crimes referred to in art. 94 paragraph 1.

(in the event of a conviction, the operator must indicate the date of the conviction, its duration (start and end date), the reason, who was convicted, the exclusion period (start and end date) / the operator will also have to clarify whether he has adopted sufficient measures to demonstrate his reliability despite the existence of a relevant reason for exclusion (self-discipline or "Self-Cleaning") (article 96, paragraph 6, Legislative Decree no. 36/2023) and must describe the same measures providing evidence that the measures adopted are sufficient to demonstrate its reliability. To this end, the operator demonstrates that he has compensated for any damage caused by the offense or crime, that he has clarified the facts and circumstances in a global manner by actively collaborating with the investigative authorities and that he has adopted technical, organizational and relating to personnel suitable for preventing further offenses or crimes. The operator must also produce all the documentation and concrete measures

of a technical, organizational and personnel nature suitable for preventing further crimes or illicit acts and useful for the purposes of the evaluation of the Contracting Authority referred to in the art. 94, Legislative Decree. cit.)

2. **There are/are no reasons (select only one of the two options and delete the other)** for forfeiture, suspension or prohibition provided for by article 67 of legislative decree 6 September 2011, n. 159 or an attempted mafia infiltration referred to in article 84, paragraph 4, of the same decree, without prejudice to the provisions of articles 88, paragraph 4-bis, and 92, paragraphs 2 and 3, of the legislative decree of 6 September 2011, n. 159, with reference respectively to anti-mafia communications and anti-mafia information (Art. 94 paragraph 2);
- 3 **Is/is not (select only one of the two options and delete the other)** the recipient of the interdictory sanction referred to in Article 9, paragraph 2, letter c) of Legislative Decree 8 June 2001, n. 231 or other sanction which entails the prohibition of contracting with the public administration, including the disqualification measures referred to in article 14 of the legislative decree of 9 April 2008, n. 81 (Art. 94 paragraph 5 letter a);
- 4 **Has violated/has not violated (select only one of the two options and delete the other)** the rules governing the right to work of disabled people pursuant to law no. 12 March 1999. 68 (Article 94, paragraph 5, letter b);
- 5 **It has been/has not been (select only one of the two options and delete the other)** subjected to judicial liquidation or is in a state of compulsory liquidation or arrangement with creditors or proceedings are underway against it for access to one of these procedures, without prejudice to the provisions of article 95 of the business crisis and insolvency code referred to in legislative decree 12 January 2019, n. 14, from article 186-bis, paragraph 5, of the royal decree of 16 March 1942, n. 267 and article 124 of this code (Art. 94 paragraph 5 letter d) *(indicate, if yes, detailed information, for which reasons the economic operator will still be able to perform the contract, taking into account the applicable national rules and measures in relation to the continuation of activities in the situations mentioned)*;
- 6 **He/she is registered/is not registered (select only one of the two options and delete the other)** in the computer register kept by the ANAC Observatory for having submitted false declarations or false documentation in tender procedures and in the awarding of subcontracts (art. 94 paragraph 5, letter e);
- 7 **is registered/is not registered (select only one of the two options and delete the other)** in the computer register kept by the ANAC Observatory for having submitted false declarations or false documentation for the purposes of issuing the qualification certificate (art. 94 paragraph 5, letter f).

B. REASONS REFFERRED TO THE PAYMENT OF TAXES OR SOCIAL SECURITY CONTRIBUTIONS (art. 94, paragraph 4 and art. 95, paragraph 2 of the Code)

- 8 ☐ the economic operator **has satisfied** all the obligations relating to the payment of taxes,

fees or social security contributions, whether in the country where it is established or in the Member State of the contracting authority or the contracting entity, if different from the country of establishment copy.

or

- ☐ the economic operator **has not satisfied** all the obligations relating to the payment of taxes, fees or social security contributions, whether in the country where it is established or in the Member State of the contracting authority or the contracting entity, if different from the country of establishment copy.

If NOT, indicate:

a) Country or Member State concerned;

b) What is the amount concerned;

c) How this default has been established - whether through a judicial or administrative decision; if the decision is final and binding (please indicate the date of the judgment or decision); if present, provide the duration of the exclusion period (inability to contract with the Public Administration); if the economic operator has complied with or will fulfil its obligations by paying or bindingly engaging in the payment of taxes or social security contributions due, including any interest or fines, having paid or formalized the commitment before expiry of the deadline for submitting the application (art. 94 paragraph 6 and art 95 paragraph 2, of Legislative Decree.. 36/2023).

C. REASONS REFERRED TO INSOLVENCY, CONFLICT OF INTEREST OR PROFESSIONAL MISCONDUCT

- 9 ☐ The economic operator **has not violated**, to the best of its knowledge, applicable obligations in the field of environmental law, social and labor law, referred to in Article 95, paragraph 1, letter a) of the Legislative Decree 36/2023

OR

- ☐ The economic operator **has violated**, to the best of its knowledge, applicable obligations in the field of environmental law, social and labor law, referred to in Article 95, paragraph 1, letter a) of the Legislative Decree 36/2023

If YES, clarify whether the Company has taken sufficient measures to demonstrate its reliability despite the existence of a relevant exclusion reason (i.e. "self-discipline" or "self-cleaning" according to Article 96, paragraph 6, Legislative Decree no. 36/2023) and provide detailed information. If so, clarify whether the Company has fully compensated the damage and if it has adopted technical or organizational measures relating to personnel to prevent further illicit or criminal offenses. In that case, it is necessary to produce all the technical, organizational and personnel-related documentation suitable for preventing further offenses or illicit and useful for the evaluation of the contracting authority.

- 10 ☐ The Company **has not been guilty of serious professional misconduct** referred to

in art. 95 paragraph 1 letter. e) and art. 98 paragraph 3 letter. d) e) f) g) and h), of the Legislative Decree. n. 36/2023

OR

- ☐ The Company **has been guilty of serious professional misconduct** pursuant to paragraph 5c) of art. 80 of the Legislative Decree. 50/2016

If YES, provide detailed information, specify the type of offense and clarify whether self-discipline measures have been taken. Clarify whether the Company has fully compensated for the damage and if it has adopted technical, organizational or personnel-related measures to prevent further illicit or criminal offense. Include all the technical, organizational and personnel-related documentation that are suitable for preventing further crimes or misdemeanors and useful for the evaluation of the contracting authority

- 11 The economic operator has signed agreements with other economic operators intended to distort competition (art. 98 paragraph 3 letter a, Legislative Decree no. 36/2023)

☐ YES ☐ NO

If YES, please indicate to the economic operator whether it has adopted sufficient measures to demonstrate its reliability (self-discipline or Self Cleaning)

- 12 The company is aware of conflicts of interest as indicated in national legislation or procedural documents due to its participation pursuant to art. 95 paragraph 1 letter. b) Legislative Decree n. 36/2023?

☐ YES ☐ NO

If YES, please provide detailed information on how the conflict of interest was resolved _____

- 13 The economic operator or a company connected to him has provided advice to the contracting authority or contracting entity or has otherwise participated in the preparation of the award procedure (art. 95 paragraph 1 letter c) Legislative Decree. n. 36/2023)?

☐ YES ☐ NO

If YES, please provide detailed information on the measures taken to prevent possible distortions of competition: _____

- 14 The economic operator has already had experience of early termination of a previous public procurement contract, of a previous procurement contract with a contracting entity or of a previous concession contract, or of the imposition of compensation for damages or other comparable sanctions in relation to this previous procurement contract (art. 98 paragraph 3, letter c) Legislative Decree. n. 36/2023)?

☐ YES ☐ NO

If YES, the operator must indicate whether he has adopted sufficient measures to demonstrate his reliability (self-discipline or self-cleaning)

- 15 The economic operator can confirm that it has not been seriously guilty of misrepresentation in providing the information requested to verify the absence of grounds for exclusion or compliance with the selection criteria, has not failed to provide such information, has been able to submit without delay the supporting documents requested by the contracting authority or contracting entity and has not undertaken to unduly influence the decision-making process

of the contracting authority or contracting entity, to obtain confidential information which may give it undue advantages in procurement procedure or to negligently provide misleading information that may have a significant influence on decisions regarding exclusion, selection or award (art. 94 paragraph 5 letters e) and f) and 98 co 3 letter. b)?

☐ YES

☐ NO

If YES, please provide detailed information _____

* * *

D. OTHER GROUNDS FOR EXCLUSION WHICH MAY BE PROVIDED FOR BY THE NATIONAL LAW OF THE MEMBER STATE OF THE CONTRACTING AUTHORITY OR CONTRACTING ENTITY

Grounds for exclusion provided exclusively by national legislation.

16 One of the subjects indicated in the art. 94 co. 3 of the legislative decree lgs. 36/2023 was convicted with a final sentence or criminal decree of conviction which has become irrevocable for the crime of false corporate communications referred to in articles 2621 and 2622 of the civil code (art. 94 co. 1 letter c) Legislative Decree 36/2023)?

☐ YES

☐ NO

If YES, provide detailed information (date of conviction, duration of conviction, start and end date, motivation, person who was convicted, period of exclusion and related start and end date as well as specify whether the economic operator has taken sufficient measures to demonstrate its reliability despite the existence of a relevant reason for exclusion self-discipline or self-cleaning_____)

17 One of the subjects indicated in the art. 94 co. 3 of the legislative decree lgs. 36/2023 has been convicted with a final sentence or criminal decree of conviction which has become irrevocable for any crime resulting, as an accessory penalty, in the inability to contract with the public administration (Art. 94 co. 1 letter h) Legislative Decree 31 March 2023, n. 36?

☐ YES

☐ NO

If YES, provide detailed information (date of conviction, duration of conviction, start and end date, motivation, person who was convicted, period of exclusion and related start and end date as well as specify whether the economic operator has taken sufficient measures to demonstrate its reliability despite the existence of a relevant reason for exclusion self-discipline or self-cleaning_____)

18 The subjects referred to in art. 94, co. 3, of Legislative Decree no. 36/2023 causes of forfeiture, suspension or prohibition provided for by article 67 of legislative decree 6 September 2011, n. 159 or an attempted mafia infiltration referred to in Article 84, paragraph 4, of the same decree 159/2011, Art. 94 co. 2 Legislative Decree 31 March 2023, n. 36?

☐ YES

☐ NO

19 The economic operator has suffered a disqualification sanction referred to in article 9, co. 2, letter. c), of the legislative decree 8 June 2001, n. 231, or other sanction which entails the prohibition of contracting with the public administration, including the disqualification measures referred to in article 14 of the legislative decree of 9 April 2008, n. 81, art. 94 co. 5 lett. a) Legislative Decree 31 March 2023, n. 36?

☐ YES

☐ NO

20 The Economic Operator has violated the rules governing the right to work of disabled people pursuant to law 12 March 1999, n. 68 art. 94, co. 5, letter. b) Legislative Decree 31 March 2023, n. 36?

☐ YES

☐ NO

21 The economic operator is in the condition provided for by the art. 53 paragraph 16-ter of Legislative Decree 165/2001 (pantouflage or revolving door) as it has concluded subordinate or self-employed employment contracts and, in any case, has assigned tasks to former employees of the contracting authority who have terminated their employment relationship for less than three years and who in the last three years of service have exercised authoritative or negotiating powers on behalf of the same contracting authority towards the same economic operator?

☐ YES

☐ NO

* * *

22 to be in possession of the technical professional suitability requirements referred to in the art. 26, paragraph 1, letter. a), of Legislative Decree 81/08 and subsequent amendments for the execution of contractual activities as well as previous experience suitable for guaranteeing the reliability of the company;

23 to have taken cognizance of all the general and special circumstances that may affect the execution of all the services covered by the contract and undertakes to comply with the maximum all-inclusive amount of Euro _____ excluding VAT;

24 that, based on what is indicated in the Request for Proposal, for the receipt of any communication and/or requests for clarification and/or integration of the documentation presented relating to the procedure in question, the Competitor elects domicile in _____ Via _____, tel. _____, and authorizes the forwarding of communications to the following certified email address _____ or to the following fax number _____;

25 ☐ that the economic operator intends to subcontract the following contractual services within the limits of _____ (percentage share) _____

OR

☐ that the Company does not intend to subcontract the contractual services

26 By signing this document, the undersigned also declares, pursuant to art. 13 of the EU Regulation n. 2016/679 concerning the protection of individuals with regard to the processing of personal data, as well as the free circulation of such data, to have read the information on the processing of personal data contained in the Request for Proposal and to be aware that personal data, including judicial data collected will be processed, even with IT tools, exclusively in the context of this procedure and for the purposes described therein, and to have been informed about the rights set forth in articles from 15 to 22 of EU Regulation no. 2016/679. Furthermore, it undertakes to fulfill the obligations of information and consent, where necessary, towards the natural persons (Interested parties) whose personal data are provided as part of the assignment procedure, to allow the processing of their Personal Data by of Consip SpA or of the Customer for the purposes described in the information;

27 that the undersigned accepts, pursuant to art. 100, paragraph 2 of the Code, the particular requirements for the execution of the contract in the event that it is the successful bidder;

28 ☐ which at the time of submission of the offer does not have ongoing service and/or supply cooperation contracts in place, pursuant to art. 119 paragraph 3 letter. d) of the Code with third parties;

OR

☐ which at the time of submission of the offer has the following continuous service and/or supply cooperation contracts in place, pursuant to art. 119 paragraph 3 letter. d) of the Code with third parties:

(indicate the name of the contractual counterparty, the date of stipulation of the deed and any intention to resort to such contracts, specifying the related services. In the event that the competitor is awarded the contract and intends to resort to the services of third parties pursuant to the contracts declared, will have to present these contracts when producing the documents for the stipulation)

29 that from an accountability perspective, it declares its willingness to ensure the maximum guarantees regarding the protection of personal data;

30 that I have read and expressly accept the clauses and obligations contained in the **Integrity Agreement**, including the sanctions referred to in the art. 5 of the Pact itself also in relation to the criminal cases referred to in paragraph 1, letter d), point i) of the same article;

31 that **there are / do not exist (select only one of the two options and delete the other)** possible conflicts of interest with respect to the subjects involved in the tender procedure knowable at the time of submission of the offer by consulting the Client's profile, providing, in case of existence, the useful elements to allow the evaluation of the contracting authority;

32 who undertakes to declare the existence of possible conflicts of interest with respect to the other subjects who may intervene in the award procedure following the submission of the offer (whose names will be communicated to the company in time), providing, in case of existence, the useful elements to allow the evaluation of the contracting authority;

33 declares to have taken full knowledge of the documentation of this procedure, to undertake to observe it in all its parts and that the goods and services offered comply with all the minimum requirements indicated therein;

34 That the undersigned is aware that Consip S.p.A. reserves the right to conduct random checks to ensure the accuracy of the present declaration;

35 That the undersigned is aware that, if the content of this declaration is found to be false, the contracting authority may terminate the Contract automatically, in accordance with art. 1456 of the Italian Civil Code and, potentially, retain the final deposit (if present).

_____, on _____

Signature
