**ANNEX 1**

**FACSIMILE of participation document**

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

**Consip S.p.A.**

Via Isonzo, 19/E

00198 ROME

NEGOTIATED PROCEDURE UNDER ART. 63, LEGISLATIVE DECREE n° 50/2016 for “TROLL LICENSES”

document FOR THE participation in the PROCEDURE including the statements compliant WITH ARTS. 46, 47 and 76 OF the ITALIAN PRESIDENTIAL DECREE N° 445/2000

The undersigned \_\_\_\_\_\_\_\_\_\_\_\_, born in \_\_\_\_\_\_\_\_\_ on \_\_\_\_\_\_\_\_\_\_\_\_, Tax Code \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, with business address at the company office indicated below, in his/her capacity as \_\_\_\_\_\_\_\_\_\_ and legal representative vested with the powers necessary to commit \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in this procedure, with registered office in \_\_\_\_\_\_\_\_\_\_\_\_\_\_, (Street/Road) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, listed on the Business/Companies’ Register of \_\_\_\_\_\_\_\_\_\_\_\_\_ under no. \_\_\_\_\_\_\_\_\_\_, postcode n°. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, hereinafter referred to as the “**Company**”

Pursuant to art. 76 of the Italian Presidential Decree n° 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 and/or in case of submission of documents containing data which no longer reflect the truth. In addition, if the content of this declaration should results to be false then the Company that drafted this document will lose the benefits for which it is issued; for the purposes of participating in this initiative

HEREBY DECLARES, TAKING FULL RESPONSIBILITY FOR SO DOING

1. that this Company, has been listed since \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, to the **Business/Companies Register** of \_\_\_\_\_\_\_\_\_, under number \_\_\_\_\_\_\_\_\_\_\_\_\_, and

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

*Or*

- 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;

1. that this Company has (*complete the relevant field only, cancel the once that are not associated with the company*):
   1. The administration is assigned to a **Sole Director**:

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

**b)** The administration is assigned to an **Board** **of Directors** composed of n.\_\_ members and, in particular, of: (*indicate the data of all the Directors, specifying whether or not they are entitled to act as a legal representative*)

name\_\_\_\_\_\_, surname\_\_\_\_\_\_\_\_\_, born in \_\_\_\_\_\_\_, on \_\_\_\_\_\_\_, Tax Code \_\_\_\_\_\_\_\_\_\_\_, residing in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, office\_\_\_\_\_\_\_\_ (*Chairman of the Administrative Board, Managing Director, Director etc.*), appointed on \_\_\_\_\_\_\_ until \_\_\_\_\_\_, with the following powers associated with the office: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_;

**b1)** There are the following (**Representatives/Agents** **)**

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

*or*

does not have **Representatives/Agents**

**b2)** There are the following **legal representatives vested with the broadest decision-making powers**

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

*or*

there are no **legal representatives vested with the broadest decision-making powers**

**c)** (*fill only if present*) **Board of Auditors** composed of \_\_ members and, in particular, of: (indicate all members)

name\_\_\_\_\_\_, surname\_\_\_\_\_\_\_\_\_, born in \_\_\_\_\_\_\_, on \_\_\_\_\_\_\_, Tax Code \_\_\_\_\_\_\_\_\_\_\_, residing in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, office\_\_\_\_\_\_\_\_, (*eg. Chairman of the Board of Auditors, Acting Auditor, Deputy Auditor*) appointed on \_\_\_\_\_\_\_ until \_\_\_\_\_\_;

**c1)** (*fill in only if there is an alternative to the statement mentioned in the previous paragraph letter c*) The **Internal Control Committee** composed of \_\_ members and, in particular, of:

name\_\_\_\_\_\_, surname\_\_\_\_\_\_\_\_\_, born in \_\_\_\_\_\_\_, on \_\_\_\_\_\_\_, Tax Code \_\_\_\_\_\_\_\_\_\_\_, residing in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, office\_\_\_\_\_\_\_\_, (*eg. Chairman of the Internal Control Committee Auditors, Acting Auditor, Deputy Auditor*) appointed on \_\_\_\_\_\_\_ until \_\_\_\_\_\_,

name\_\_\_\_\_\_, surname\_\_\_\_\_\_\_\_\_, born in \_\_\_\_\_\_\_, on \_\_\_\_\_\_\_, Tax Code \_\_\_\_\_\_\_\_\_\_\_, residing in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, office\_\_\_\_\_\_\_\_, appointed on \_\_\_\_\_\_\_ until \_\_\_\_\_\_,

**d)** (*fill in only if there is an alternative to the statement mentioned in the previous paragraph letter b e c) or c1)* **Management Board Committee** composed of \_\_ members and, in particular, of (*indicate the references of all the members*):

name\_\_\_\_\_\_, surname\_\_\_\_\_\_\_\_\_, born in \_\_\_\_\_\_\_, on \_\_\_\_\_\_\_, Tax Code \_\_\_\_\_\_\_\_\_\_\_, residing in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, office\_\_\_\_\_\_\_\_, (*eg. management board comittee, director*) appointed on \_\_\_\_\_\_\_ until \_\_\_\_\_\_, with the following powers associated with the office:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ;

name\_\_\_\_\_\_, surname\_\_\_\_\_\_\_\_\_, born in \_\_\_\_\_\_\_, on \_\_\_\_\_\_\_, Tax Code \_\_\_\_\_\_\_\_\_\_\_, residing in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, office\_\_\_\_\_\_\_\_, (*ex. Chairman of the board of directors, director*) appointed on \_\_\_\_\_\_\_ until \_\_\_\_\_\_, with the following powers associated with the office: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ;

**Supervisory Board** composed of \_\_ members and, in particular, of (*indicate the references of all the members):*

name\_\_\_\_\_\_, surname\_\_\_\_\_\_\_\_\_, born in \_\_\_\_\_\_\_, on \_\_\_\_\_\_\_, Tax Code \_\_\_\_\_\_\_\_\_\_\_, residing in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, office\_\_\_\_\_\_\_\_, (ex. chairman of the supervisory board, director), appointed on \_\_\_\_\_\_\_ until \_\_\_\_\_\_;

name\_\_\_\_\_\_, surname\_\_\_\_\_\_\_\_\_, born in \_\_\_\_\_\_\_, on \_\_\_\_\_\_\_, Tax Code \_\_\_\_\_\_\_\_\_\_\_, residing in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, office\_\_\_\_\_\_\_\_, (ex. chairman of the supervisory board, director), appointed on \_\_\_\_\_\_\_ until \_\_\_\_\_\_;

**e)** (*fill only if present*) **Other subjects vested with powers of representation, management or control over the company** (such as the Auditor and other management boards, in charge of monitoring the operation and the compliance of the organizational and management models for crime prevention purposes), according to art. 80, paragraph 3, Legislative Decree n° 50/2016:

(*indicate the data and repeat as many times as necessary*)

name\_\_\_\_\_\_, surname\_\_\_\_\_\_\_\_\_, born in \_\_\_\_\_\_\_, on \_\_\_\_\_\_\_, Tax Code \_\_\_\_\_\_\_\_\_\_\_, residing in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, role\_\_\_\_\_\_\_\_, appointed on \_\_\_\_\_\_\_ (if applicable up to \_\_\_\_\_\_), with the following powers associated with the office:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ;

name\_\_\_\_\_\_, surname\_\_\_\_\_\_\_\_\_, born in \_\_\_\_\_\_\_, on \_\_\_\_\_\_\_, Tax Code \_\_\_\_\_\_\_\_\_\_\_, residing in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, role\_\_\_\_\_\_\_\_, appointed on \_\_\_\_\_\_\_ (if applicable up to \_\_\_\_\_\_), with the following powers associated with the office:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ;

**f)** there are **Technical Directors**:

*(indicate names, personal data, tax code, residence, duration of the role)*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

or

there are no Technical Directors

**g)** (*fill only if present*) the sole shareholder or majority shareholder in case of companies with fewer than four shareholders is:

*- \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(in case of a single member or a majority individuals, indicate personal data, tax code, residence of the person/s) \_\_\_\_\_\_\_\_\_\_\_\_,*

*- \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_* *in case of the majority shareholder or sole shareholder, indicate the tax code, the residence of directors with powers of representation (eg. Managing Director, Delegate, Councilor with representative powers etc.)*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**h)** the following individuals, which have **ceased** holding the office mentioned above from letter a) to g) *(modify according to needs)* within the year preceding the sending date of the request for proposal and up to the date of submission of the proposal *(indicate names, personal data, tax code, residence, duration of the job position)*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

***or***

there **are no individuals, which have ceased** holding the office mentioned above within the year preceding the sending date of the request for proposal and up to the date of submission of the proposal;

**i)** in the year preceding the sending date of the request for proposal and until the date of submission of the proposal, has acquired the company \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(*or* a branch), after **a corporate transaction of** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(**sale /lease of a company or of its branch of business, incorporation or merger**) occurred on \_\_\_\_\_\_\_\_\_\_ and valid from \_\_\_\_\_\_\_\_\_\_\_\_ . *(the competing company shall indicate the transaction date, the date of the effectiveness of the transaction, the companies involved)*

and,by virtue of the aforementioned transaction, the following persons from the assignor/lessor, merged or incorporated company must be considered individuals, which have ceased holding the office mentioned above within the year preceding the sending date of the request for proposal and up to the date of submission of the proposal:

*(the competing Company - with reference to the persons who have worked with the assignor/lessor, incorporated or merged companies – shall indicate the name, personal details, tax codes and offices. Offices relevant to this declaration are those referred to in paragraph 2 above, from letter a) to h))*

\_\_\_\_\_\_\_\_\_\_\_\_(*nominative*) \_\_\_\_\_\_\_\_ (*Personal Data) \_\_\_\_\_\_\_\_\_\_\_\_\_\_(Role)*

\_\_\_\_\_\_\_\_\_\_\_\_(*nominative*) \_\_\_\_\_\_\_\_ (*Personal Data) \_\_\_\_\_\_\_\_\_\_\_\_\_\_(Role)*

***or***

that in the year prior to the date of dispatch of the Request for Proposal and in any case until the date of submission of the offer, no sale / lease of business or branch of business, incorporation or merger has taken place;

**l)** there are the following following registered shareholders with their **relative market shares**, as listed below:

……………….. … %

……………….. … %

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

total 100 %

**m)** 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***

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

**n)** that in the shareholders meetings during the previous 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***

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

1. that the undersigned has been fully acquainted with the documentation of this procedure and acknowledges and accepts the rules of the tender as well as those concerning the award and execution of the Contract, and to oblige, and agrees to observe them;
2. that the Company has taken full knowledge of the "**Integrity Agreement"**, attached to the Request for Proposal, accepting the clauses contained therein and undertakes to comply with the provisions also during the procedure and to sign it together with the signing of the Contract;
3. that the undersigned has been fully acquainted with the documentation of this procedure and that the goods and services offered meet all the minimum requirements indicate;
4. that the Company does not fall in any of the exclusion reasons referenced in art. 80 of Legislative Decree 50/2016 and referred to in art. 57 of the 2014/24 Directive

**\*\*\***

* + - 1. **Reasons for criminal conviction under Article 80, paragraph 1, of Legislative Decree no. n. 50/2016.**

The economic operator and the subjects who hold the roles referred to in art. 80, paragraph 3 of Legislative Decree no. 50/2016, including subjects who ceased in the year prior to sending the request for proposal and up to the time of submission of the offer and the subjects referred to in point 2, lett. L):

* were convicted for the offenses listed in art. 80, paragraph 1, lett. (a) to (g) of the aforesaid decree, by a final judgement or a penalty order that has become irrevocable or a judgement imposing the penalty requested pursuant to article 444 of the Italian Code of Criminal Procedure, issued no more than five years ago or, irrespective of the date, in which an exclusion period set forth in the judgment is still applicable?  **YES □ NO □**

**If yes**, provide the copy of the conviction provision and also provide:

1. the date of the conviction, the sentence of conviction or the sentence of application of the punishment, its duration and the offense committed as referred to in Article 80 (1) – letter (a) to (g) of Legislative Decree n° 50/2016 and the reasons for the conviction;
2. identification data of convicted persons;
3. if in the sentence of conviction has been applied the additional penalty of the inability to contract with the Public Administration, indicate the duration of the exclusion period: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
4. **if relevant**, indicate the measures demonstrating the complete and effective dissociation from the sanctioned conduct referred to in art. 80 paragraph 3

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

* In case of conviction, has the company taken sufficient measures to demonstrate its reliability despite the existence of a relevant exclusion (self-discipline or self-cleaning) (Article 80, paragraph 7, Legislative Decree no. No. 50/2016) **YES □ NO □**

***If yes*,** describe the measures taken, specifying in particular:

1) whether the sentence of final conviction recognized the mitigating effect of the collaboration with the justice system as defined by the individual offenses\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **YES □ NO □**

2) the final sentence does not exceed 18 months; **YES □ NO □**

3) if, in both hypotheses 1) and 2) above identified, the subjects that carry the roles referred to in art. 80, paragraph 3 of Legislative Decree no. 50/2016 listed first:

* have fully compensated the damage  **YES □ NO □**
* are formally engaged to compensate the damage **YES □ NO □**

4) if, in both cases 1) and 2) the Company has adopted technical or organizational measures and relating suitable to prevent further offenses\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*(All documentation must be produced, including conviction measures, and concrete technical, organizational and personnel measures appropriate to prevent further offenses or misdemeanours and useful for the purposes of the assessment of the Contracting Authority referred to in art. 80 paragraph 8, legislative decree n° 50/2016)*

**\*\*\***

**B. Payment of taxes, fees or social security contributions (It should be noted that, pursuant to art. 80, paragraph 4, of the Code, as amended by D.L. 76/2020, all measures regardless of their gravity and the finality of their assessment):**

Has the Company satisfied all the obligations concerning the payment of taxes, duties or social security contributions, both in the country where it is established and in the Member State of the awarding administration or the awarding entity, if different from the country of establishment?

**YES □ NO □**

**If not**, please indicate:

1. Country or Member State concerned \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
2. ) What is the amount concerned \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
3. how this non-compliance was established:
4. by a judicial or administrative decision:

Is this decision is final and binding? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Indicate the date of the sentence of conviction or decision \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

In case o f a penalty verdict, indicate the period of the exclusion: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. **Other method**? Specify \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
2. the Company has fulfilled or is fulfilling its obligations by paying duties 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. 80 paragraph 4, last term, of Legislative Decree.. 50/2016)? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**C. Information on any situations of insolvency, conflict of interest or professional misconduct**

1) Has the economic operator **breached**, the applicable obligations concerning health and safety at the workplace, environmental, social and employment law pursuant to paragraph 5a) of article 80 of the Legislative Decree. 50/2016? **YES □ NO □**

**If yes**, the economic operator has taken sufficient measures to demonstrate its reliability despite the existence of a relevant exclusion (self-discipline or self-cleaning) (Article 80, paragraph 7, Legislative Decree 50/2016 )? **YES □ NO □**

**If yes**, the company has:

- fully compensated the damage **YES □ NO □**

- formally engaged in compensating the damages? **YES □ NO □**

2) Has the company adopted technical characteristics or organizational measures to prevent the employee to commit illegal acts? **YES □ NO □**

*(Produce all the technical, organizational and personnel documentation and measures that are suitable for the prevention of further crimes or misdemeanours and useful for the evaluation of the Contracting Authority referred to in art. 80, para 8, Legislative Decree 50/2016)*

3) Is the economic operator in one of the following situations or subject to a procedure for determining one of the following situations:

1. **Bankruptcy** **YES □ NO □**
2. **Forced liquidation** **YES □ NO □**
3. **Arrangement with creditors**  **YES □ NO □**
4. **Arrangement with creditors with continuity or blank** **YES □ NO □**

**d1)** The economic operator admitted to the arrangement with creditors with business continuity

declares that:

a) the details of the admission decision issued by the court of \_\_\_\_\_\_\_\_\_\_\_\_\_\_ are as follows \_\_\_\_\_\_\_\_\_\_\_\_\_;

b) the details of the authorization to participate in the competitions issued by the delegated judge are as follows \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**d2)** The economic operator who has submitted an application for admission to the arrangement with creditors with business continuity, without the admission decree having yet been issued

declares that:

a) the details of the filing of the application for admission are as follows \_\_\_\_\_\_\_\_\_\_\_;

b) the provision of authorization to participate in tenders issued by the court of \_\_\_\_\_\_\_\_\_\_ is the following \_\_\_\_\_\_\_\_\_\_;

c) the person it intends to use pursuant to Article 110, paragraph 4, of the Code is the following \_\_\_\_\_\_\_\_\_\_.

4) Was the Company **guilty of serious professional misconduct** pursuant to paragraph **5c)** of art. 80 of the Legislative Decree. 50/2016? **YES □ NO □**

**If Yes**, provide detailed information, specifying the type of offense and any measure of self-discipline and, in particular, specify whether the Company has:

* Fully compensate the damage? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* Formally engaged in compensating the damages? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* It has adopted technical or organizational measures relating to staff that prevent further illicit or offenses\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*(Provide all the technical, organizational and personnel documentation and measures that are appropriate to prevent further offenses or misdemeanors and are useful for the assessment of the Contracting Authority referred to in Article 80 (8) of Legislative Decree 50 / 2016).*

4 bis) Was the Company **guilty of serious professional misconduct** pursuant to paragraph **5c) BIS** of art. 80 of the Legislative Decree. 50/2016? **YES □ NO □**

**If Yes**, provide detailed information, specifying the type of offense and any measure of self-discipline and, in particular, specify whether the Company has:

* Fully compensate the damage? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* Formally engaged in compensating the damages? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* It has adopted technical or organizational measures relating to staff that prevent further illicit or offenses\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*(Provide all the technical, organizational and personnel documentation and measures that are appropriate to prevent further offenses or misdemeanors and are useful for the assessment of the Contracting Authority referred to in Article 80 (8) of Legislative Decree 50 / 2016).*

4 ter) Was the Company **guilty of serious professional misconduct** pursuant to paragraph **5c) TER** of art. 80 of the Legislative Decree. 50/2016? **YES □ NO □**

**If Yes**, provide detailed information, specifying the type of offense and any measure of self-discipline and, in particular, specify whether the Company has:

* Fully compensate the damage? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* Formally engaged in compensating the damages? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* It has adopted technical or organizational measures relating to staff that prevent further illicit or offenses\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*(Provide all the technical, organizational and personnel documentation and measures that are appropriate to prevent further offenses or misdemeanors and are useful for the assessment of the Contracting Authority referred to in Article 80 (8) of Legislative Decree 50 / 2016).*

5) Has the economic operator committed a **serious breach against one or more subcontractors**, recognized or ascertained with a final judgment (Article 80, paragraph **5, letter c-quater** of Legislative Decree no. 50/2016)? YES □ NO□

If **YES**, produce a copy of the convictions and in any case, indicate the reference details below: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Also indicate whether the economic operator has adopted self-regulatory measures which are listed below: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

6) Is the Company aware of any **conflict of interest** (linked to participation in the present procedure (according to paragraph **5d)** of article 80 of the Legislative Decree. 50/2016)? **YES □ NO □**

***If yes,*** *provide detailed information on how the conflict of interest has been resolved and, in the event of conflict of interest, which can not be otherwise solved, all the documentation useful for the assessment of the Settlement Station referred to in Article 80 8, Legislative Decree No. 50/2016*

7) Has the Company (or an associated company) **provided** consultancy to the awarding authority or the awarding individual(s) or otherwise participated in preparing the awarding procedure (according to paragraph **5e)** of article 80 of the Legislative Decree. 50/2016)? **YES □ NO □**

***If yes****, provide detailed information on the measures taken to prevent possible distortions of competition: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

8) Can the Company confirm that:

* **It has not been found guilty of false declarations**, when asked to provide information to verify the absence and the motive of exclusions **YES □ NO □**
* **has not concealed any of the aforementioned information YES □ NO □**

**D. Reasons for exclusion listed in Article 80,** 2 e 5, lett. f), g), h), i), l), m) of Legislative Decree n. 50/2016.

Does any proof of exclusion, suspension or prohibition in accordance with the Article 67 of Legislative Decree 6 September 2011, n° 159, exist for the individuals referred to in art. 80, paragraph 3, of the legislative decree n. 50/2016? **YES □ NO □**

\*\*\*

Has the Company been in any of the following situations:

1. Has the company been subject to a penalty of disqualification as provided in Art. 9 paragraph 2 letter c) of Legislative Decree no. 231/2001 or other sanction involving the prohibition of contracting with the public administration, including the interdictions referred to in Art 14 of Legislative Decree no. 81/2008 (According to art 80, paragraph 5, letter f) of the Legislative Decree 50/2016)?); **YES □ NO □**
2. Has the Company submitted, within the current tendering procedure and in related subcontracts documents, any false documents or attestations (Article 80 (5) (f bis))? **YES □ NO □**
3. Is the Company registered in the electronic records kept by the ANAC Observatory as having made false statements or having submitted false documentation within the fold of tendering procedures and subcontracts (Article 80 (5) (f ter))? **YES □ NO □**
4. Is the Company registered in the electronic records kept by the ANAC Observatory as having made false statements or having submitted false documentation for the purpose of issuing the qualification certificate (Article 80, paragraph 5, g); **YES □ NO □**
5. Did the Company violate the prohibition of fiduciary registration referenced in Article 17 of Law 19 March 1990, no. 55 *(The exclusion is for a period of one year from the final determination of the violation and must be made if the breach has not been removed (Article 80 (5) (h)*); **YES □ NO □**
6. Is the Company in compliance with the rules concerning **the right to work of people with disabilities** as stipulated in Law 12 March 1999, no. 68**,** or the relevant local law ruling the matter (according to art 80, paragraph 5, letter i) of the Legislative Decree 50/2016)? **YES □ NO □ N/A □**

***If N/A (not applicable),*** *provide detailed information:………………………….*

1. Was the Company **victim of the criminal offenses** envisaged and punished by Articles 317 and 629 of the Criminal Code aggravated under Article 7 of Decree-Law of 13 May 1991, no. 152, converted, with modifications, by Law no. 203 (according to art 80, paragraph 5, letter l) of the Legislative Decree 50/2016)? **YES □ NO □**

***Or***

Despite having been a victim of the crimes provided for and punished by articles 317 and 629 of the criminal code aggravated pursuant to article 7 of decree-law 13 May 1991, n. 152, converted, with modifications, by the law 12 July 1991, n. 203, has the Company reported the facts **to the judicial authority**, unless the cases provided for by article 4, first paragraph, of the law of 24 November 1981, n. 689 (article 80, paragraph 5, letter l)? **YES □ NO □**

*(note: The circumstance in the first period must emerge from the indications based on the request for referral made against the defendant in the year prior to the date of the submission of the bid proposal and must be communicated attached with the generality of the subject who has omitted this complaint from the prosecutor of the Republic to ANAC, which carries out the publication of the notice on the Observatory site).*

*If yes, in relation to the cases referred to in Article 80 (5) (f), (m) of the Code provide detailed information on the ways in which self-discipline or self-cleaning measures have been taken and any useful documentation for the evaluation of the Procurement Station referred to in art. 80 subsection 8, legislative decree 50/2016.*

**E.** That the prohibition pursuant **to paragraph 16-*ter* of art. 53 of Italian Legislative Decree no. 165/2001** **does not apply** to this Company and that the Company insofar has not stipulated subordinate or independent contracts and, in any event, assigned tasks to former employees of Consip and Sogei, and/or of the contracting authority and/or to the individuals who held one of the offices listed in the Legislative Decree no. 39/2013, who ended their working relationship with Consip S.p.A. and Sogeiwithin the last three years and who, within the last three-year period of service, exercised official or negotiating powers on behalf of the said contracting authority vis-à-vis the Company itself.

**F.** That the Company is in possession of the requirements of professional technical suitability referenced in art. 26, paragraph 1, lett. a) of Legislative Decree 81/08 for the execution of contractual activities;

**G.** The Supplier, having the requisites of experience, ability and reliability to guarantee full compliance with the provisions on the processing of personal data, including the profile relating to security, is fit to assume the role of Data Processing Manager personal, and is aware that, in the event of awarding the tender, it will be appointed by the Client "Responsible" of the processing of personal data "for the Client pursuant to art. 28 of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016, containing the European Regulation on data protection (hereinafter also "EU Regulation" or "GDPR"), as well as the Italian legislation for adaptation to the GDPR . In this case, it undertakes to present the Client with the guarantees and to adopt all appropriate technical and organizational measures to comply with the legislation and regulations in force on the processing of personal data on the basis of the provisions of the Annex to the contract called "Privacy Annex" and undertakes to perform whatever is necessary to comply with any amendment of the Rules on the Processing of Personal Data applicable to the processing of Personal Data, which generates new requirements (including new measures of a physical, logical nature, technical, organizational, safety or personal data processing) for the Manager of the processing of personal data, collaborating, within the limits of his / her technical, organizational and resources, with the Owner of the treatment so that they are developed, adopted and implemented taken corrective measures to adapt to the new requirements and new measures during the execution of the Contract, without additional costs for the Client.

**H.** 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 Letter of Request for Proposal and to be aware that personal data, including judicial data, collected will also be processed, also 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.

It also 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, to allow the processing of their personal data by of Consip SpA or of the Customer for the purposes described in the information sheet.

**I.** that, pursuant to Regulation EU / 2016/679, the personal data being processed will be managed within the EU, and no transfer of personal data will be made to a third country or an international organization outside the EU or the European Economic Area

***OR***

that, pursuant to EU Regulation / 2016/679, the personal data being processed will be transferred to the countries / territories / organizations, covered by an adequacy decision made by the European Commission pursuant to art. 45 EU / 2016/679 Regulation or other adequate guarantees pursuant to art. 46 and ss. of Regulation EU / 2016/679 (e.g. use of the binding corporate rules Binding Corporate Rules - BCR), which are listed below: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**J.** That the Company has become fully acquainted with the "**Integrity Agreement**" attached to the request for proposal, accepting the terms and conditions and commits to comply with its requirements during the procedure and to sign it in conjunction with the Contract.

**K.** that ***there are OR there are not*** possible conflicts of interest with respect to the parties involved in the tender procedure, which can be known at the time of submission of the offer by consulting the client's profile[[1]](#footnote-1), providing, in case of existence, the useful elements to allow the evaluation of the contracting authority;

**L.** who undertakes to declare **the existence OR non-existence** of possible conflicts of interest with respect to the tender commissioners and / or other subjects who will possibly intervene in the tender procedure after the submission of the offer (whose names will be communicated in time to the competitors) , providing, in case of existence, the useful elements to allow the evaluation of the contracting authority;

**M.** That the above information is truthful and correct and that the undersigned is aware of the consequences of a false statement pursuant to art. 76 of DPR 445/2000.

**N.** That the undersigned is aware that Consip reserves the right to conduct random checks to ensure the accuracy of the present declaration;

**O.** that the undersigned is aware that, should the content of this declaration be found to be false, Sogei 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\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. The ANAC Guidelines n. 494/2019 on the conflict of interest indicate, for the phase of "Publication of the announcement and setting deadlines for the receipt of offers", as the party involved in the RUP (for Consip we refer to the Rdp pursuant to art. 31 of Legislative Decree no. lgs. n. 50/2016 as well as the Rdp pursuant to art. 2 DL n. 76/2020 conv. with mod. in law n. 120/2020); another person involved must be considered the one who signs and publishes the announcement.

   With reference to the economic operator who submits the application form, the declaration is to be understood as referring to subjects with the appropriate powers to engage the same operator in the tender as well as the person making the declaration. [↑](#footnote-ref-1)