

**Model A2**

**Open procedure with application of the criterion of the most economically advantageous offer identified on the basis of the best value for money, pursuant to articles. 71 and 108 paragraph 1 of the Legislative Decree. n. 36/2023 as amended. concerning the supply of an "Automated mRNA Production System at scale suitable for drug discovery and preclinical development with Critical Reagent Supply and Processing System - Lot 1; "Automated System for GMP mRNA production at scale for clinical stages and commercial production with Critical – Lot 2".**

**SUPPLEMENTARY DECLARATIONS: FACSIMILE SELF-DECLARATIONS PURSUANT TO ARTICLES 46 AND 47 OF PRESIDENTIAL DECREE 445/2000 made by the COMPETITOR for participation in the EUROPEAN OPEN PROCEDURE TENDER DIVIDED INTO TWO LOTS FOR THE AWARD OF THE CONTRACT FOR THE SUPPLY OF TWO AUTOMATED SYSTEMS FOR THE PRODUCTION OF MRNA WITH CRITICAL SUPPLY OF REAGENTS AND PROCESSING SYSTEM.**

**(In the case of a temporary grouping and/or consortium and/or business combination: a template for each grouped and/or consortium and/or aggregated economic operator)**

The undersigned			
Born in		the	
C.F.		Resident in	
Road		n.	
as a	<i>(owner, legal representative, attorney-in-fact, other)<sup>(1)</sup></i>		
of the company:			
seat	<i>(Italian municipality or foreign state)</i>	Province	
address			
Zip code		Headquarters	
C.F.		Vat	
PEC		email	Tel
C.C.N.L. applied ( <i>Construction Industry, Construction Small and Medium Enterprise, Construction Cooperation, Construction Crafts, Other Non-Construction</i> ):			
Company size (0 to 5, 6 to 15, 16 to 50, 51 to 100, above):			

Social Security Institutions			
INAIL company code		INAIL Territorial insurance positions	
INPS company registration number		INPS competent office	
INPS pos. Contributory		INPS competent office	
REVENUE AGENCY competent office			

## STATES

1) that the economic operator is registered with the Chamber of Commerce, Industry, Crafts, Agriculture, as follows:

Province of registration:		Legal form:	
Year of enrolment:		duration:	
Registration number:		share capital:	
activity:		ATECO code:	
Corporate purpose			
Information on the Articles of Association			
Extraordinary Transactions			
Branch offices and local units			
Holders of offices or qualifications			

1.a) that **the legal representatives, directors with powers of representation<sup>1</sup>, instigators and attorneys general** are:

n.	Surname and first name	Born in	on	Charge
1				
2				

<sup>1</sup> Directors with the power of representation are all persons officially vested with the power to transfer the effects of their actions directly to the legal person represented, regardless of the extent of the administrative powers attributed (see to this effect Council of State Sec. V 36/08, TAR Campania Sec. I 3176/09), as well as those who, as attorneys ad negotia (see in this sense Council of State Section VI, 18/01/2012 n° 178) or instigators (see Press Release of the President of Anac of 26/10/2016) have obtained the conferral of powers consisting in the representation of the company and in the performance of decision-making acts.

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1.b) that the **Technical Directors** are:

<i>n.</i>	<i>Surname and first name</i>	<i>Born in</i>	<i>on</i>
1			
2			
3			

1.c) **that the shareholders<sup>2</sup> and holders of rights on quotas and shares/owners** (Legislative Decree 159/2011, art. 85) are:

<i>n.</i>	<i>Surname and first name</i>	<i>Born in</i>	<i>on</i>	<i>Indication of the individual dimension</i>
1				
2				
3				
4				

**STATES**

in addition to what is reported in the facsimile ESPD Model, that the conditions referred to in Article 53, paragraph 16, of Legislative Decree 165/2001 as amended, do not exist for him/her, as well as:

**2.a):**

2.a1) that, with regard to the subjects listed above in points 1.a, 1.b and 1.c, as well as with regard to the subjects indicated below and those referred to in point 2.c2 below - of whose legal situation it declares to be aware pursuant to Article 47, paragraph 2, of Presidential Decree no. 445 of 2000,

<sup>2</sup> Indicate the status of limited partner or general partner if it is a limited partnership or a joint-stock company.

assuming the relative responsibilities - the conditions referred to in art. 94, par. 1 of Legislative Decree no. n. 36/2023<sup>3</sup> and subsequent amendments and additions and pursuant to art. 53, par. 16, of Legislative Decree 165/2001 as amended:

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or

2.a2) that, with regard to the subjects listed above in points 1.a, 1.b and 1.c, as well as with regard to the subjects indicated below and those reported in point 2.c2 below: the legal situation relating to the existence of the conditions referred to in art. 94, par. 1 of Legislative Decree no. n. 36/2023 and subsequent amendments and art. 53, par. 16, of Legislative Decree 165/2001 as amended, is declared

<sup>3</sup> **The declaration must be produced with reference to the following subjects:**

- The owner is the technical director, in the case of sole proprietorships;
- the partners and the technical director, in the case of general partnerships;
- the general partners and the technical director, in the case of limited partnerships;
- the members of the board of directors who have been given legal representation, including instigators and attorneys general, of the members of the bodies with management or supervisory powers in relation to whom, with a press release of 26/10/2016, the Chairman of Anac specified that "In order to allow the application of the rule in question, the indications contained therein must be interpreted with reference to the administration and control systems of the joint-stock companies governed by the Italian Civil Code following the reform introduced by Legislative Decree no. 6/2003, namely:  
1) CD system. "traditional" (governed by Articles 2380-bis et seq. of the Italian Civil Code), divided into a "Board of Directors" and a "Board of Statutory Auditors";  
2) CD system. "dualistic" (governed by articles 2409-octies et seq. of the Italian Civil Code) divided into the "Management Board" and the "Supervisory Board";  
3) CD system. "monistic" based on the presence of a "board of directors" and a "management control committee" set up within it (Article 2409-sexiesdecies, paragraph 1, of the Italian Civil Code).  
Therefore, the existence of the requirement referred to in Article 94, paragraph 1 of the Code must be verified by: the members of the board of directors who have been granted legal representation, in companies with a traditional and one-tier administration system (Chairman of the Board of Directors, Sole Director, managing directors even if they hold a proxy limited to certain activities but which confers powers of representation for such activities); the members of the Board of Statutory Auditors in companies with a traditional administration system and the members of the management control committee in companies with a one-tier management system; members of the management board and members of the supervisory board, in companies with a two-tier management system";
- subjects with powers of representation, management or control in relation to which, with a press release of 26/10/2016, the Chairman of Anac specified that "such persons are to be understood as persons who, although not members of the corporate bodies of administration and control, are endowed with powers of representation (such as instigators and attorneys ad negotia), management (such as independent or professionals who have been granted significant powers of direction and management of the company) or control (such as the auditor and the Supervisory Body referred to in Article 6 of Legislative Decree no. n. 231/2001 which is entrusted with the task of supervising the functioning and observance of the organisational and management models suitable for preventing crimes). In the event of entrusting the audit to an auditing firm, the verification of the possession of the requirement referred to in art. 94, par. 1 must not be conducted on the members of the corporate bodies of the auditing firm, since it is a legal entity distinct from the competing economic operator to which the causes of exclusion must be referred".
- the technical director or the sole shareholder who is a natural person, or the majority shareholder in the case of a company with a number of shareholders equal to or less than four if it is another type of company or consortium.

**In line with recent jurisprudential orientation, the obligation to make the declarations referred to in this model by all the above-mentioned parties may also be legitimately fulfilled by the legal representative. Therefore, the latter, in accordance with this form, may submit a suitable declaration in lieu of an affidavit (made pursuant to Article 47 of Presidential Decree 445/2000 and subsequent amendments and in compliance with the procedures set out in Article 38 paragraph 3 of the same Decree), with which he certifies the possession of the requirements for the person for whom he makes the declaration, indicating the personal data of this subject (in order to allow the necessary checks).**

individually as an annex to this declaration according to the *facsimile Form A3 by the subjects indicated therein*;

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**RECLARES, furthermore**

**2.b)** With regard to art. 94, par. 2 of Legislative Decree no. n. 36/2023 and subsequent amendments:

**2.b1)** that, with regard to the subjects listed above in points 1.a, 1.b and 1.c, as well as with regard to the subjects indicated below and those reported in point 2.c2 below - of whose legal situation it declares to be aware pursuant to Article 47, paragraph 2, of Presidential Decree no. 445 of 2000, assuming the related responsibilities - there is no cause for forfeiture or suspension or prohibition referred to in Article 67 of Legislative Decree no. 159/2011 and subsequent amendments or an attempt at mafia infiltration pursuant to art. 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 Legislative Decree 159/2011, with reference respectively to anti-mafia communications and anti-mafia information); The ground for exclusion referred to in Article 84(4) of the same Legislative Decree does not apply if, by the date of the award, the undertaking has been admitted to judicial control pursuant to Article 34-bis of the same Legislative Decree. Under no circumstances may the award be postponed due to the pendency of the above-mentioned proceedings.

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*or*

**2.b2)** that, with regard to the subjects listed above in points 1.a, 1.b and 1.c, as well as with regard to the subjects indicated below and those reported in point 2.c2 below: the legal situation relating to the existence of any cause for forfeiture or suspension or prohibition referred to in art. 67 of Legislative Decree 159/2011 and subsequent amendments or an attempt at mafia infiltration pursuant to art. 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 Legislative Decree 159/2011, with reference respectively to anti-mafia communications and anti-mafia information) is declared individually as an annex to this declaration according to the *facsimile Form A3 by the subjects indicated therein*; The ground for exclusion referred to in Article 84(4) of the same Legislative Decree does not apply if, by the date of the award, the undertaking has been admitted to judicial control pursuant to Article 34-bis of the same Legislative Decree. Under no circumstances may the award be postponed due to the pendency of the above-mentioned proceedings.

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**2.c)** With regard to those who have ceased to be terminated:

**2.c1)** that there are no persons who have ceased to hold office in the year prior to the date of publication of the Call for Proposals

or

**2.c2)** that there are the following persons who ceased to hold office in the year prior to the date of publication of the Call for Proposals  
(indicate name, surname, etc.):

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**3)** who:

a) the subjects referred to in Art. 94 paragraphs 3 and 4 of Legislative Decree 36/2023 have not been convicted by a final sentence or penal decree of conviction that has become irrevocable or for the crimes referred to in art. 94 paragraph 1;

(b) there are no grounds for forfeiture, suspension or prohibition provided for in Article 67 of Legislative Decree No 159 of 6 September 2011 or for an attempt at mafia infiltration referred to in Article 84(4) of the same Decree, without prejudice to the provisions of Articles 88(4-bis) and 92(2) and (3), Legislative Decree no. 159 of 6 September 2011, with reference respectively to anti-mafia communications and anti-mafia information (Article 94, paragraph 2);

- c) is not the recipient of the disqualification sanction referred to in Article 9, paragraph 2, letter c) of Legislative Decree No. 231 of 8 June 2001 or of any other sanction involving the prohibition of contracting with the public administration, including the disqualification measures referred to in Article 14 of Legislative Decree No. 81 of 9 April 2008 (Article 94, paragraph 5, letter a);
- d) has not violated the rules governing the right to work of disabled people pursuant to Law no. 68 of 12 March 1999 (Article 94, paragraph 5, letter b);
- e) has not been subject to judicial liquidation or is in a state of compulsory liquidation or arrangement with creditors or is in proceedings 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 the Legislative Decree of 12 January 2019, No. 14, Article 186-bis, paragraph 5, of Royal Decree No. 16 March 1942, no. 267 and Article 124 of this Code (Article 94, paragraph 5, letter d);
- f) is not registered in the computer record kept by the ANAC Observatory for having submitted false declarations or false documentation in tender procedures and in the awarding of subcontracts (Article 94, paragraph 5, letter e);
- g) is not registered in the electronic record kept by the ANAC Observatory for having submitted false declarations or false documentation for the purpose of issuing the qualification certificate (Article 94, paragraph 5, letter f);
- h) has not committed definitively ascertained serious violations of the obligations relating to the payment of taxes or duties (as identified in Annex II.10 of Legislative Decree 3672023) or social security contributions according to Italian law or that of the State of establishment (Article 94, paragraph 6);
- i) not to have committed serious infringements of the rules on health and safety at work and not to have violated environmental, social and labour obligations established by European and national legislation, collective agreements or international provisions (Article 95(1)(a))
- (if yes, please indicate in detail the type of infringement/infringement committed and provide evidence that the measures taken are sufficient to demonstrate its reliability);***
- l) not to be aware of any conflict of interest related to its participation in the procurement procedure (Article 95(1)(b))
- (if yes, please provide details on how the conflict of interest has been resolved);***
- m) not to have provided advice to the administration and did not participate in the preparation of the procedure (Art. 95 paragraph 1 letter c)
- (if yes, please provide details of the measures taken to prevent possible distortions of competition);***
- n) not to have entered into any agreement, even verbally, with other economic operators participating in the same tender such as to make the tenders attributable to a single decision-making centre (Article 95, paragraph 1, letter d);
- o) not to have committed a serious professional misconduct such as to cast doubt on its integrity or reliability falling within the hypotheses indicated by art. 98 of Legislative Decree 36/2023;

p) not to have committed serious violations, not definitively ascertained, of the obligations relating to the payment of taxes and duties (as identified in Annex II.10 of Legislative Decree 36/2023) or social security contributions (Article 94, paragraph 6).

q) the conditions set out in art. 53, par. 16, of Legislative Decree 165/2001 as amended, and in particular:

- not to have entered into employment or self-employment contracts and, in any case, not to have assigned tasks to former employees, who have exercised authoritative or negotiating powers on behalf of the public administrations over them in the three years following the termination of the relationship;
- to be aware that, pursuant to the aforementioned Article 53, paragraph 16-ter, the contracts concluded and the assignments conferred in violation of these provisions are null and void and that it is forbidden for the private entities that have concluded or conferred them to contract with the public administrations for the following three years, with the obligation to return any fees received and ascertained relating to them;
- to undertake, where the contracting authority so requests, in compliance with the provisions of art. 53, paragraph 16 ter of Legislative Decree no. 165/2001, to send the updated organizational chart of all employees (in any capacity hired with negotiating functions and/or authoritative powers) relating to the last three years from the date of the award/award measure relating to this procedure;

**4)** that the requirement of economic and financial capacity, necessary for participation in the tender, is met:

**4.a)** - in full:

- 4.a.1) by this economic operator;
- 4.a.2) the temporary grouping in which this economic operator participates;
- 4.a.3) by the consortium pursuant to Article 65, paragraph 2, l. b) and c) in which this operator participates;
- 4.a.4) by the consortium pursuant to art. 65, par. 2, l. d) on its own without the contribution of the consortium members;

*or*

- 4.a.5) by the consortium pursuant to Article 65, paragraph 2, l. d) with the contribution of the individual designated consortium members or by availing the individual non-designated consortium companies, indicated below:

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- 4.a.6) by the consortium pursuant to art. 65, par. 2, l. f) on its own without the contribution of the consortium members;

*or*

- 4.a.7) by the Consortium pursuant to Article 65, paragraph 2, l. f) with the contribution of the following Consortium members:

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- 4.b)** - to a partial extent, for which the possession of the missing requirements, pursuant to art. 104 of Legislative Decree no. no. 36 of 2023 as amended, is met, making use of the requirements of other economic operator(s), as per the appropriate documentation attached in compliance with the provisions of the Tender Regulations.

Therefore, it states:

**5)**

5.1) to have achieved a minimum global turnover referring overall to the last 3 financial years available, (years 2020-2021-2022) plus VAT, (therefore, not less than the amount required by the call) as specified below:

- Lot no. 1: €809,261.00
- Lot no. 2: €5,245,371.00

**6)** that the requirement of **technical-organizational capacity**, necessary for participation in the tender, is met:

**6.a)** in full:

6.a.1) by this economic operator;

6.a.2) the temporary grouping in which this economic operator participates;

6.a.3) by the consortium pursuant to Article 65 paragraph 2, l. b), c) and d) in which this operator

participates;

6.a.4) by the consortium pursuant to art. 65 par. 2, l. f) on its own without the contribution of the consortium members;

or

6.a.5) by the Consortium pursuant to Article 65, paragraph 2, l. f) with the contribution of the following Consortium Economic Operators:

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**6.b)** - to a partial extent, for which the possession of the missing requirements, pursuant to art. 104 of Legislative Decree no. n. 36/2023, is satisfied, making use of the requirements of other economic operator(s), as per the specific documentation attached.

**7)** The competitor must have carried out in the last three years (understood as the three-year period prior to the date of publication of the notice), one or more supplies similar to the object of the contract for a minimum total amount equal to the amount indicated as the starting price for each lot, namely:

LOT 1: **809.261,00 €**

LOT 2: **€5,245,371.00**

plus VAT and, therefore, not less than the amount required by the call, as shown below:

TYPE OF SUPPLY/SERVICE	CLIENT	DATE	AMOUNT

**8)** to be an economic operator referred to in Article 1, paragraph 1 of Annex II.3 to the Code and to be required to draw up the report on the situation of staff, pursuant to Article 46 of the Code of Equal Opportunities between men and women referred to in Legislative Decree No 198 of 11 April 2006, **as well as to have produced** at the time of submission of the application for participation, a copy of the last report drawn up, with certification of its compliance with the

one sent to the company trade union representatives and to the regional equality councillor pursuant to paragraph 2 of the aforementioned Article 46, or, in the event of non-compliance with the terms provided for in paragraph 1 of the same Article 46, with certification of its simultaneous transmission to the company trade union representatives and to the regional equality councillor;

- 9) to be an economic operator referred to in Article 1, paragraph 2 of Annex II.3 to the Code and to employ a number equal to or greater than fifteen employees, within six months of the conclusion of the contract, to deliver to the administration a gender report on the situation of the staff as specified in the aforementioned rule.

**DECLARES, finally:**

- 10) the economic offer submitted is remunerative, since for its formulation it has taken into account and taken into account:
- a) the contractual conditions and charges, including any related ones relating to safety, insurance, working conditions and social security and assistance in force in the place where supplies and services are to be carried out;
  - b) of all general, particular and local circumstances, none excluded or excepted, which may have influenced or affect both the provision of the services and the determination of its offer;
- 11) to accept, without any condition or reservation, all the rules and provisions contained in the tender documentation;
- 12) to agree to comply with the obligations of traceability of financial flows pursuant to Law no. 136/2010 and accepts the clauses of the Legality Protocol of the Prefecture of Naples, to which the University adhered on 10.12.2021, following resolution of the Board of Directors no. 34 of 27.10.2021. The clauses of this Protocol, with the clarifications formulated by this Administration, must be signed by the company at the time of stipulation of the contract or subcontract, under penalty of forfeiture of the award, and are as follows:

Clause 1): The undersigned company declares to know and accept the express termination clause that provides for the immediate and automatic termination of the contract, or the revocation of the authorization to subcontract or subcontract, should the Prefecture communicate disqualification information pursuant to art. 84 of Legislative Decree no. n. 159/2011 and subsequent amendments. A similar resolving effect will derive from the ascertained existence of hypotheses of formal and/or substantial connection or agreements with other companies participating in the insolvency proceedings of interest. If the contract has been stipulated pending the acquisition of anti-mafia information, a penalty equal to the value of the contract will also be applied to the company, subject to the subsequent disqualification notice, or, if the same is not determined or determinable, a penalty

equal to the value of the services currently performed; The aforementioned penalties will be applied by automatic deduction, by the contracting authority, of the relevant amount from the sums due to the company in relation to the first useful disbursement. In the event that the Prefect issues information pursuant to Article 1septies, Legislative Decree No. 629 of 6 September 1982, converted into Law No. 726 of 12 October 1982, the Contracting Authority reserves the right to assess at its discretion the advisability of excluding the company concerned from the aforementioned information from the procedure and from any subcontract, as well as to proceed with the termination of contracts in progress.

Clause 2): The undersigned company undertakes to communicate to the contracting authority the list and data of the companies involved in the award plan with regard to the sectors of activity referred to in art. 2 of the Protocol, as well as any subsequent changes for any reason.

Clause 3): The undersigned company undertakes to include in all subcontracts/subcontracts the express termination clause in the event that disqualification information emerges, or rejection of the registration in the so-called white list for the sectors of interest, at the expense of the subcontractor/subcontractor.

Clause 4): The undersigned company undertakes to inform the Prefecture without delay, notifying the contracting authority, of any attempt at extortion, intimidation or conditioning of a criminal nature in any form that manifests itself against the entrepreneur, any members of the company or their family members (request for bribes, pressure to direct the hiring of personnel or the assignment of work, supplies, services or the like to certain undertakings, damage to or theft of personal property or property on the construction site, etc.). This is without prejudice to the obligation to report the same facts to the Judicial Authority, as per clause no. 5 below. The aforementioned fulfilment is essential for the purposes of the execution of the contract and its non-fulfilment will give rise to the express termination of the contract itself pursuant to art. 1456 c.c.

Clause 5): The undersigned company undertakes to report to the Judicial Authority or to the Police Bodies any unlawful request for money, services or other benefits made to it before the tender and/or the assignment or during the execution of the works, also through its agents, representatives or employees and in any case any unlawful interference in the award procedures or in the execution phase of the works. The Contracting Authority and the Prefecture shall be informed of the complaint, as per clause no. 4 above. The aforementioned fulfilment is essential for the purposes of the execution of the contract and its non-fulfilment will give rise to the express termination of the contract itself pursuant to art. 1456 c.c.

Clause 6): The undersigned company undertakes to assume all charges and expenses, at its own expense, deriving from the agreements/protocols promoted and stipulated by the contracting

authority with the competent bodies and/or bodies in the field of security, as well as the repression of crime, aimed at the preventive verification of the program of execution of the works in view of the subsequent monitoring of all phases of execution of the work, the services to be performed and the parties who will perform them, as well as compliance with the obligations arising from these agreements.

Clause 7): The undersigned company undertakes to ensure compliance with this Protocol by subcontractors/subcontractors by inserting contractual clauses similar in content to those set out in this contract.

Clause 8): The undersigned company undertakes to insert in the subcontracts/subcontracts a clause that makes the acceptance and, therefore, the effectiveness of the assignment of receivables made to parties other than those indicated in Legislative Decree no. 50 of 18 April 2016, to the prior acquisition by the Contracting Authority, in accordance with the procedures set forth in art. 2 and 3 of this Protocol, of the anti-mafia information referred to in art. 84 and 91 of Legislative Decree no. 159 of 6 September 2011, at the expense of the assignee and to reserve the right to refuse the assignment of the receivable made in favour of assignees for whom the Prefecture provides anti-mafia information of a disqualifying nature. Similar rules must be provided for all subjects, in any capacity involved in the execution of the works, who will enter into an assignment of receivables.

Clause 9): The undersigned company undertakes to proceed with the posting of the workforce, as governed by art. 30 of Legislative Decree no. 276 of 10 September 2003, only after authorisation by the contracting authority for the entry of posted workers into the construction site; this authorization is subject exclusively to the prior acquisition, by the contracting authority itself, of the anti-mafia information referred to in art. 84 and 91 of Legislative Decree no. 159 of 6 September 2011 on the posting company. Similar rules must be provided for all those subjects, in any capacity involved in the execution of the works, who will make use of the right to post the workforce.

Clause 10): The contractor undertakes to promptly notify the Prefecture and the Judicial Authority of any attempts at bribery that have, in any way, manifested against the entrepreneur, the corporate bodies or the company managers. The aforementioned fulfilment is essential for the execution of the contract and its non-fulfilment will give rise to the express termination of the contract itself, pursuant to art. 1456 of the Italian Civil Code, whenever a precautionary measure has been ordered against public administrators who have exercised functions related to the stipulation and execution of the contract, or an indictment has been made for the offence provided for by art. 317 of the Criminal Code.

Clause 11): The undersigned company declares that it knows and accepts the Contracting Authority undertakes to make use of the express termination clause, pursuant to art. 1456 of the Italian Civil Code, whenever precautionary measures have been ordered against the entrepreneur or members of

the corporate structure, or the managers of the company, or have been indicted for any of the crimes referred to in the articles. 317 of the Criminal Code, 318 of the Criminal Code, 319 of the Criminal Code, 319-bis of the Criminal Code, 319-ter of the Criminal Code, 319-quarter of the Criminal Code, 320 of the Criminal Code, 321 of the Criminal Code, 322 of the Criminal Code, 322-bis of the Criminal Code, 346-bis of the Criminal Code, 353 of the Criminal Code and 353-bis of the Criminal Code.

Clause 12): The undersigned company declares that it is aware of and accepts the express termination clause which provides for the immediate and automatic termination of the contract or the revocation of the authorization to subcontract or subcontract as well as the application of the administrative pecuniary sanctions referred to in Law 136/2010 and subsequent amendments if a financial movement (incoming or outgoing) is carried out without making use of the intermediaries and dedicated accounts referred to in art. 3 of the aforementioned law. The undersigned company declares that it is aware of and accepts the obligation to make collections and payments, relating to the contracts referred to in this Protocol, through dedicated accounts opened with an authorized intermediary by bank or postal transfer, or with other payment instruments suitable to allow full traceability of the transactions, the non-use of which constitutes cause for termination of the contract; In the event of a breach of this obligation, without justified reason, a penalty of 10% of the value of each individual financial transaction to which the breach refers, automatically deducting the amount from the sums due in relation to the first useful disbursement.

Clause 13): The undersigned company declares that it is aware of and accepts the express clause that provides for the immediate and automatic termination of the contract or the revocation of the authorization of the contract or sub-contract in the event of serious and repeated non-compliance with the provisions on employment, health and safety at work, also with regard to the appointment of the person responsible for the safety and protection of workers in contractual and trade union matters. To this end, the following are considered serious breaches: the violation of rules that led to the seizure of the workplace, validated by the Judicial Authority; non-compliance with the requirements imposed by the inspection bodies; the employment of personnel of the individual company not resulting from the records or other mandatory documentation in an amount equal to more than 15% of the total number of workers employed on the site or in the factory.

Clause 14): The undersigned company undertakes to promptly notify the contracting authority of any change in the data contained in its own Chamber of Commerce certificates and those of their subcontractors/subcontractors and, in particular, any change that has occurred after the production of the certificate itself relating to the subjects referred to in art. 85 and 91, paragraph 4, of Legislative Decree no. 159 of 6 September 2011 to be subjected to anti-mafia verification. In case of violation, the sanctions provided for by art. 14 of the Protocol.

Clause 15): The undersigned company undertakes to fully comply with all the provisions of the Legality Protocol signed between the Prefecture and the Contracting Authority and to be fully aware of and accept the sanctioning system provided for therein.

12) to be informed that the contract is governed by the current Integrated Plan of Activities and Organisation of the University (PIAO), by the National and University Codes of Conduct available on the [www.unina.it](http://www.unina.it) website and undertakes, in the event of award, to observe and ensure that its employees and collaborators observe, as far as applicable, the aforementioned codes of conduct, under penalty of termination of the contract;

13) only for economic operators with registered office, residence or domicile in the countries included in the so-called "black lists":

to be in possession of a valid authorisation issued pursuant to the Ministerial Decree of 14 December 2010 of the Ministry of Economy and Finance pursuant to (art. 37 of Legislative Decree 78/2010, conv. in Law 122/2010) or declares to have submitted an application for authorisation pursuant to art. 1 paragraph 3 of the Ministerial Decree of 14.12.2010 and attaches a certified copy of the application for authorisation sent to the Ministry;

14) only for non-resident economic operators without a permanent establishment in Italy: undertakes to comply, in the event of award, with the regulations referred to in Articles 17, paragraph 2, and 53, paragraph 3 of Presidential Decree 633/1972 and to notify the contracting authority of the appointment of its tax representative, in the forms required by law;

(15) if a participant in the tendering procedure exercises the right of "access to the file",  
to authorise the University to issue a copy of all the documentation submitted for participation in the tender;

or

not to authorise the University to issue a copy of the technical offer and of the explanations that may be requested during the verification of anomalous bids, as they are covered by technical/commercial secrecy (in this regard, it attaches the reasons formulated in compliance with the requirements of the Tender Regulations.

16) to be informed, pursuant to and for the purposes of Article 13 of Legislative Decree No. 196 of 30 June 2003 and Regulation (EC) No. 2016/679/EU of 27 April 2016, that the personal data collected will be processed, including by electronic means, exclusively within the framework of this tender, as well as of the existence of the rights referred to in Article 7 of the same Legislative Decree, as well as Regulation (EC); Only for economic operators admitted to the composition with creditors with business continuity pursuant to art. 186 bis of Royal Decree no.

267 of 16 March 1942: indicates, in addition to what is indicated in Part III, section C, letter d) of the ESPD, the following details of the measure of admission to the composition with creditors and of the measure of authorization to participate in tenders with an indication of the tender procedures and of the Court that issued such measure, and declares that it does not participate in the tender as the agent of a temporary grouping of companies and that the other companies belonging to the consortium are not subject to an insolvency procedure pursuant to Article 186 *bis*, paragraph 6 of Royal Decree no. 267 of 16 March 1942:

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- 17) to have inspected the premises and to have carried out a careful general reconnaissance of the areas in which the supply is to be carried out, as well as to be aware of the access roads and logistics in its entirety of the contract, having become aware of the conditions of the premises, the access roads and any authorised landfills that may be necessary.

Date \_\_\_\_\_

SIGNATURE <sup>(ii)</sup>

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*They state that they are in formats of the following:*

*Information pursuant to art. 13 of Regulation (EU) 679/2016 laying down rules on the processing of personal data.*

*The data collected with this form are processed for the purposes of the procedure for which they are issued and will be used exclusively for this purpose and in any case within the institutional activities of the University of Naples Federico II. The Data Controller is the University, in the persons of the Rector and the Director General, in relation to the specific competences. Exclusively for problems related to processing that does not comply with your personal data, you can contact the Data Controller by sending an email to the following address: [ateneo@pec.unina.it](mailto:ateneo@pec.unina.it); or to the Data Protection Officer: [rpd@unina.it](mailto:rpd@unina.it); PEC: [rpd@pec.unina.it](mailto:rpd@pec.unina.it). For any other request relating to the procedure in question, it is possible to send a certified email to [contabilita.dip.farmacia@pec.unina.it](mailto:contabilita.dip.farmacia@pec.unina.it). The interested parties are entitled to the rights referred to in art. 15-22 of the EU Regulation. Complete information on the processing of personal data collected can be found on the University website: <http://www.unina.it/ateneo/statuto-e-normativa/privacy>.*

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<sup>(i)</sup> In the case of craft enterprises, the owner's remuneration shall be understood to be included in the minimum percentage required. For sole proprietorships and partnerships, the value of the owner's and partners' remuneration is equal to five times the value of the conventional remuneration determined for the purposes of INAIL contributions.

<sup>(ii)</sup> These declarations must be signed in compliance with the procedures set out in Article 38, paragraph 3, of Presidential Decree 445/2000, by uploading a photocopy of the subscriber's identity document to the system. It should be noted that the lack of signature and/or photocopy of the subscriber's document is not a cause for automatic exclusion and the competitor will be invited to remedy this irregularity within the deadline indicated by the Administration in the relevant request. If this irregularity is not remedied within the time limit indicated therein, the competitor will be excluded from the continuation of the competition.