

**Annex A3**

**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: Substitute declarations pursuant to articles 46 and 47 of Presidential Decree 445/2000 and subsequent amendments (to be signed by the persons indicated in note 1 of this form).**

The undersigned \_\_\_\_\_ born on \_\_\_\_\_ in \_\_\_\_\_ address \_\_\_\_\_ n. \_\_\_\_\_, domiciled in \_\_\_\_\_ (fill in if different from the residence), at \_\_\_\_\_, as \_\_\_\_\_ of the \_\_\_\_\_ Company \_\_\_\_\_ (name/company name) \_\_\_\_\_ aware of the criminal sanctions provided for the hypotheses of falsity in deeds and false declarations, as well as the forfeiture of any benefits obtained as a result of the measure issued on the basis of the untruthful declaration (Articles 75 and 76 of Presidential Decree 445/2000) under one's own responsibility

**DECLARES (see note 2):**

**a)**

- a.1)** that the conditions referred to in art. 94, par. 1, of Legislative Decree 36/2023 art. 53, par. 16 ter, of Legislative Decree 165/2001 as amended;

**or (see footnote A)**

- a.2)** to have been convicted of the following offences (including those for which he or she has benefited from non-mention):

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**b) with regard to art. 94, paragraph 2, Legislative Decree 36/2023 and subsequent amendments:**

**b.1)** that, with regard to him/her, there is no cause for forfeiture or suspension or prohibition referred to in Article 67 of Legislative Decree 159/2011 and subsequent amendments or an attempt at 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 Legislative Decree 159/2011, with reference respectively to anti-mafia communications and anti-mafia information);

**or (see footnote A)**

**b.2)** that the following grounds exist for forfeiture or suspension or prohibition pursuant to Article 67 of Legislative Decree 159/2011 and subsequent amendments or an attempt at Mafia infiltration pursuant to 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 Legislative Decree 159/2011, with reference respectively to anti-mafia communications and anti-mafia information):

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Date \_\_\_\_\_

SIGNATURE

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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; PEC: rpd@pec.unina.it. For any other request relating to the procedure in question, it is possible to send a certified email to \_\_\_\_\_. 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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**Legend:**

**Note A)** Tick one of the hypotheses considered.

**Note (1) The declarations referred to in this model must be submitted by the following persons:**

- 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 management 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 employees 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 that the audit is entrusted to an auditing firm, the verification of the possession of the requirement referred to in Article 94, paragraph 1, must not be carried out 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;
- persons who ceased to hold the above-mentioned positions in the year prior to the date of publication of the call for tenders.

### **Note (2)**

These declarations must be signed in compliance with the procedures set out in Article 38, paragraph 3, of Presidential Decree 445/2000, by inserting a photocopy of the subscriber's identity document into 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.