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**Centro Nazionale HPC, Big Data e Quantum Computing**

**Missione 4, Componente 2, Investimento 1.4**

**Codice progetto MUR: CN\_00000013 - CUP: E63C22000980007 – Spoke 10**



**Model C**

**Facsimile substitute declarations pursuant to articles 46 and 47 of the Presidential Decree 445/2000 made by the competitor for participation in the negotiated procedure for the purchase of "Quantum chip composed by at least 30 superconducting quantum bits for the Quantum Computing Lab” for the needs of the National HPC Center, Big Data and Quantum Computing Mission 4, Component 2, Investment 1.4, MUR project code: CN\_00000013 - CUP: E63C22000980007.**

**(In the event of a temporary grouping and/or consortium and/or business combination: a model for each grouped and/or consortium member and/or aggregate economic operator)**

For operators not established in Italy but in other European Union countries, all fields can be modified to comply with the rules and procedures of the country of origin.

|  |  |
| --- | --- |
| The undersigned |  |
| Born in |  | on |  |
| Fiscal code |  | Resident in |  |
| Street |  | number |  |
| as | *(owner, legal representative, attorney, other)* ([[1]](#endnote-1)) |  |
| of society: |  |
| Registered office | *(Italian municipality or foreign state)* |  | Province |  |
| address |  |
| ZIP code |  | Operational headquarters | *(Italian municipality or foreign country)* |
| Province |  | address |  | ZIP code |
|  | VAT number |  |
| Certified mail |  | tel | Fax |  |
| National Collective Bargaining Agreements applied *(Construction Industry, Small Medium Enterprise Construction, Cooperation Construction, Handicraft Construction, Other non-construction)* |
| Company size (0 to 5, 6 to 15, 16 to 50, 51 to 100, plus) |  |
| Social Security Institutions: |
| National Institute for Occupational Accident Insurance company code |  | National Institute for Occupational Accident Insurance Territorial insurance positions |  |
| National Institute for Social Security, company registration number |  | National Institute for Social Security competent office |  |
| National Institute for Social Security contribution position |  | National Institute for Social Security competent office |  |
| REVENUE AGENCY competent office |  |

**DECLARE**

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

|  |  |  |  |
| --- | --- | --- | --- |
| province of registration: |   | Legal form: |  |
| enrollment year: |  | duration: |  |
| registration number: |  | share capital: |  |
| activity: |  | Classification of economic activities code: |  |
| Corporate purpose |  |
| Information on the statute |  |
| Extraordinary operations |  |
| Branch offices and local units |  |
| Holders of offices or qualifications |  |

1.a) that the **legal representatives, administrators with power of representation[[2]](#footnote-1), prosecutors and general attorneys** are:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| *n.* | *Surname and Name* | *born in* | *date* | *Position* |
| 1 |  |  |  |  |
| 2 |  |  |  |  |
| 3 |  |  |  |  |
| 4 |  |  |  |  |
| 5 |  |  |  |  |
| 6 |  |  |  |  |
| 7 |  |  |  |  |
| 8 |  |  |  |  |
| 9 |  |  |  |  |
| 10 |  |  |  |  |

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

|  |  |  |  |
| --- | --- | --- | --- |
| *n.* | *Surname and Name* | *born in* | *date* |
| 1 |  |  |  |
| 2 |  |  |  |
| 3 |  |  |  |

1.c) **that the shareholders[[3]](#footnote-2) and holders of rights to quotas and shares/owners** (Legislative Decree 159/2011, art. 85) are:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| *n.* | *Surname and Name* | *born in* | *date* | *Indication of the single quota* |
| 1 |  |  |  |  |
| 2 |  |  |  |  |
| 3 |  |  |  |  |
| 4 |  |  |  |  |

**DECLARE**

in addition to what is reported in the DGUE Model facsimile that the conditions referred to in art. 53, co. 16 of Legislative Decree 165/2001 as amended, as well as:

**2.a):**

* 2.a1) that, with respect to the subjects listed above in points 1.a, 1.b and 1.c, as well as with respect to the subjects indicated below and those indicated in the following point 2.c2 - of whose legal situation he/she declares to be aware pursuant to article 47, paragraph 2, of the Presidential Decree no. 445 of 2000, assuming the related responsibilities - the conditions pursuant to art. 94, co. 1, lit. a), b), c), d), e), f), g), h), of Legislative Decree 36/2023[[4]](#footnote-3) and subsequent amendments and pursuant to art. 53, co. 16, of Legislative Decree 165/2001 as amended:

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

*or*

* 2.a2) that, with respect to the subjects listed above in points 1.a, 1.b and 1.c, as well as with respect to the subjects indicated below and those indicated in point 2.c2 below: the legal situation relating to the existence of the conditions to art. 94, co. 1, lit. a), b), c), d), e), f), g), h), of Legislative Decree 36/2023 and subsequent amendments and to art. 53, co. 16, of Legislative Decree 165/2001 as amended, is declared individually as an attachment to this declaration according to the *facsimile Model A3 by the subjects indicated therein*;

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

**ALSO DECLARE**

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

* 2.b1) that, with respect to the subjects listed above in points 1.a, 1.b and 1.c, as well as with respect to the subjects indicated below and those indicated in point 2.c2 below - whose legal situation they declare to be aware of pursuant to article 47, paragraph 2, of the Presidential Decree no. 445 of 2000, assuming the relative responsibilities - there is no cause for forfeiture or suspension or prohibition pursuant to art. 67 of Legislative Decree 159/2011 and subsequent amendments or an attempted mafia infiltration pursuant to art. 84, co. 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*

🞎 2.b2) that, with respect to the subjects listed above in points 1.a, 1.b and 1.c, as well as with respect to the subjects indicated below and those indicated in point 2.c2 below: the legal situation relating to the existence of any cause of forfeiture or suspension or prohibition pursuant to art. 67 of Legislative Decree 159/2011 and subsequent amendments or an attempted mafia infiltration pursuant to art. 84, co. 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 attached to this declaration according to the *Model A3 facsimile by the subjects indicated therein*;

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

**2.c)** with regard to the terminated:

[ ]  2.c1) that there are no subjects who left office in the year preceding the date of publication of the Notice;

 or

[ ]  2.c2) that there are the following subjects who ceased to hold office in the year preceding the date of publication of the Notice

(indicate name, surname, etc.):

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

3) that:

 a) the economic operator has not submitted untruthful documentation or declarations in the tender procedure in progress and in the assignments of subcontracts;

b) the economic operator is not registered in the computer records kept by the ANAC Observatory for having presented false declarations or false documentation in the procedures and assignments of subcontracts;

1. that:

a) the economic operator does not participate in more than one temporary grouping nor participates, at the same time, individually and as a member of a temporary grouping or in an ordinary consortium or as a consortium member for which the consortium competes in the case of consortia pursuant to article 65, paragraph 2, letters b) and c) of Legislative Decree 36/2023 and subsequent amendments;

 b) the economic operator does not participate in the tender in more than one stable consortium and that the designated consortium member does not participate in the same as a competitor;

c) the economic operator is not, with respect to another participant in the tender, in a situation of control pursuant to art. 2359 of the civil code or in any situation, even de facto, if the control situation or the relationship means that the offers are attributable to a single decision-making centre.

1. to possess the required economic-financial capacity requirement: minimum specific annual turnover, in the sector of activity covered by the assignment or in similar sectors, at least equal to € 1,200,000.00, in the 2022 financial year;
2. to possess the required technical capacity requirement: to have carried out, in the last three years (intended as the three years prior to the date of the month preceding the publication of the notice), supplies of superconducting devices containing no fewer than five superconducting quantum bits, by presenting the list of the main supplies made in the aforementioned period.

|  |  |  |  |
| --- | --- | --- | --- |
| TYPE OF SUPPLY | CUSTOMER | DATE  | AMOUNT |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

**Finally DECLARE:**

7) accepts, without conditions or reservations, all the rules and provisions contained in the tender documentation;

8) agrees to comply with the obligations of traceability of financial flows pursuant to Law n.136/2010 and accepts the clauses of the Legality Protocol of the Prefecture of Naples, to which the University adhered on 29.12.2009, with the exception of those envisaged on the subject of traceability of financial flows pursuant to art. 2, co. 2, points h) and i), by art. 7, co. 1 and of the art. 8, co. 1 clause 7) and 8), in contrast with the intervening Law n. 136/10. The clauses of this Protocol, with the clarifications formulated by this Administration, must be signed by the company when signing the contract or subcontract, under penalty of forfeiture of the award, and are as follows:

Clause 1): The undersigned company declares to be aware of all the contractual rules referred to in the Legality Protocol, signed in 2009 by the contracting station with the Prefecture of Naples, which can also be consulted on the website http://www.utgnapoli.it, and which are understood to be fully reported here and to unconditionally accept their content and effects.

Clause 2): The undersigned company undertakes to immediately report to the Police Forces or Judicial Authorities any illicit request for money, services or other benefits or offers of protection against the entrepreneur, any members of the corporate structure or their respective family members (requests for bribes, pressure to direct the hiring of personnel or the assignment of work, supplies or services to certain companies, damage, theft of personal or construction site assets).

Clause 3): The undersigned company undertakes to notify the Prefecture of the formalization of the complaint referred to in the previous clause 2 and this in order to allow, immediately, by the Public Security Authority, the activation of any consequent initiative.

Clause 4): The undersigned company declares to know and accept the express clause which provides for the immediate and automatic termination of the contract, or the revocation of the authorization to subcontract or subcontract, should they be communicated by the Prefecture, after the signing of the contract or subcontract, disqualification information pursuant to article 10 of the Presidential Decree 252/98. If the contract has been stipulated pending the acquisition of information from the Prefect, it will be charged of the company subject to the subsequent disqualification information, also a penalty, except in any case for greater damage, to the extent of 10% of the contract value (i.e. the contractual amount inclusive of all safety charges, if any, net of the 'VAT) or if the same is not determined or determinable, a penalty equal to the value of the services currently performed, including all charges for safety, if any, net of VAT. This penalty will be applied by automatic deduction, by the contracting station, of the relative amount from the sums due to the company in relation to the first useful disbursement.

Clause 5): 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, in the event of a serious and repeated breach of the provisions on placement, hygiene and safety at work, also with regard to the appointment of the person responsible for the safety and protection of workers in contractual and union matters.

 Clause 6): The undersigned company declares to be aware of the prohibition for the contracting authority to authorize subcontracts in favor of companies participating in the tender and not successful, except in the case of highly specialized work.

Clause 7): The undersigned company declares to know and accept the obligation to communicate the data relating to the companies called upon to carry out the intervention, in any capacity, also with reference to their corporate structures and any subsequent changes.

Clause 8): The undersigned company declares to know and accept the right of the Administration not to stipulate the contract and not to authorize the subcontracting or subcontracting or to proceed with the immediate and automatic termination of the contract or the revocation of the subcontracting authorization or to the subcontract if relevant elements or indications are acquired for the purposes of the discretionary assessments permitted by law, as provided for by article 10, paragraph 9, of the Presidential Decree 252/98.

Clause 9): The undersigned company declares to know and accept the express termination clause which provides for the immediate and automatic termination of the contract if the same company violates the ban on procuring from the contractors for "sensitive" supplies and services, as indicated in article 3 of the Legality Protocol, in respect of which disqualifying information has been acquired pursuant to article 10 of Presidential Decree 252/98.

9) declares to be aware that the contract is governed by the University's current Three-year Corruption Prevention Plan, by the National and University Codes of Conduct available on the website www.unina.it and undertakes, in case of award, to observe and to have its employees and collaborators observe, as far as applicable, the aforementioned codes of conduct, under penalty of termination of the contract;

10) only for economic operators with headquarters, residence or domicile in the countries included in the so-called "black list":

 declares to be in possession of the valid authorization issued pursuant to the d.m. 14 December 2010 of the Ministry of Economy and Finance pursuant to (art. 37 of Legislative Decree 78/2010, converted into Law 122/2010) or declares to have submitted an application for authorization pursuant to art. 1 paragraph 3 of the ministerial decree 12.14.2010 and attaches a certified copy of the authorization application sent to the Ministry;

11) only for non-resident economic operators without a permanent establishment in Italy: undertakes to comply, in the event of an award, with the discipline referred to in articles 17, paragraph 2, and 53, paragraph 3 of the Presidential Decree 633/1972 and to notify the contracting station of the appointment of its tax representative, in accordance with the law;

12) if a participant in the tender exercises the right to "access the documents", to authorize the University to release a copy of all the documentation presented for participation in the tender;

or

 not to authorize the University to release a copy of the technical offer and of the explanations that may be requested when verifying anomalous offers, as they are covered by technical/commercial secrecy (in this regard, attach the reasons formulated in compliance with the requirements of the Tender Regulations in point 15.3.1.11.

13) Only for economic operators admitted to the arrangement with creditors with business continuity pursuant to art. 186 bis of the R.D. March 16, 1942, no. 267: indicates, in addition to what is indicated in part III, sect. C, lit. d) of the DGUE, the following details of the provision for admission to the composition with creditors and of the provision authorizing participation in the tenders with indication of the tender procedures and of the Court that issued said provision, as well as declaring not to participate in the tender as agent of a grouping of companies and that the other companies belonging to the grouping are not subject to an insolvency procedure pursuant to art. 186 bis, paragraph 6 of the R.D. March16,1942,no.267:

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

 Date\_\_\_\_\_\_\_\_\_\_\_\_ SIGNATURE ([[5]](#endnote-2))

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

Pursuant to and for the purposes of EU Regulation n.2016/679 of the European Parliament and of the Council of 27 April 2016 (on the protection of natural persons with regard to the processing of personal data, as well as on the free movement of such data and which repeals the directive 95/46/EC, the University informs that the personal, sensitive and judicial data of the interested parties are processed by the Administration in compliance with the provisions of the aforementioned regulation. Information pursuant to article 13 of EU Regulation n.2016/679: the data of the competitors are collected for the purpose of participating in the tender 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. Article 13, paragraph 2, letter b), of the aforementioned regulation. The communication of personal data is therefore necessary for the purposes of the obligations prescribed by Legislative Decree 36/2023 as amended. (by way of example, the checks ex lege on the successful tenderer and on a sample basis on the bidders) as failure to communicate them would make it impossible for the Administration to comply with the aforementioned fulfilments.

1. [↑](#endnote-ref-1)
2. *By directors with power of representation we mean all subjects officially vested with the power to directly transfer the effects of their actions to the represented legal person, regardless of the extent of the administrative powers assigned (see. in this sense Council of State Section V 36/08, Campania Regional Administrative Court Section I 3176/09), as well as those who, in their capacity as ad negotia attorneys (see in this sense Council of State Section VI, 18/01/2012 n° 178) or institori (see Press Release of the President of the Anac of 26/10/2016) have obtained the conferment of powers consisting in the representation of the company and in the fulfillment of decision-making acts.* [↑](#footnote-ref-1)
3. Indicate the status of limited partner or general partner in the case of a limited partnership or limited partnership. [↑](#footnote-ref-2)
4. **The declaration must be produced with reference to the following subjects:**

• The owner and the technical director, in the case of sole proprietorships;

• the partners and the technical manager, 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 granted the legal representation, including stewards and general attorneys, of the members of the bodies with management or supervisory powers in relation to which the President of the Anac he specified that “In order to allow the application of the regulation in question, the indications contained therein must be interpreted with reference to the administration and control systems of joint-stock companies governed by the civil code following the reform introduced by Legislative Decree no. 6/2003 and precisely:

1) so-called system. "traditional" (regulated by articles 2380-bis and following of the Italian Civil Code), divided into a "board of directors" and a "board of statutory auditors";

2) so-called system. "dualistic" (regulated by articles 2409-octies and subsequent articles of the Italian Civil Code) divided into the "management board" and the "supervisory board";

3) so-called system. "monistic" based on the presence of a "board of directors" and a "management control committee" set up within it (art. 2409-sexiesdecies, paragraph 1, of the civil code).

Therefore, the existence of the requirement pursuant to art. 80, 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 delegation limited to certain activities but which confers powers of representation for these activities); to members of the board of statutory auditors in companies with a traditional administration system and to members of the management control committee in companies with a one-tier administration system; to members of the management board and members of the supervisory board, in companies with a dual management system”;

• individuals with powers of representation, management or control in relation to which, with the Press Release of 10/26/2016, the President of the Anac specified that they must be understood as "subjects who, although not members of the corporate administration and control, are provided with powers of representation (such as proxies and ad negotia attorneys), of management (as independent or professionals who have been granted significant powers of management and management of the company) or of control (such as the auditor and the Supervisory Body referred to in Article 6 of Legislative Decree No. 231/2001 which is entrusted with the task of supervising the functioning and observance of the organization and management models suitable for preventing crimes) . In the event of entrusting the accounting control to an auditing firm, the verification of possession of the requirement pursuant to art. 80, paragraph 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 refer".

• the technical director or the single individual shareholder, or the majority shareholder in the case of companies with fewer than four shareholders in the case of 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 subjects indicated above can also be legitimately fulfilled by the legal representative. Therefore, the latter, in accordance with this model, can submit a suitable declaration in lieu of a deed of notoriety, (made pursuant to article 47 of Presidential Decree 445/2000 and subsequent amendments and with the observance of the procedures set out in art. 38 co 3. of the same Decree), with which it certifies the possession of the requisites of the subject for whom it makes the declaration, indicating the personal data of this subject (so as to allow the necessary checks).** [↑](#footnote-ref-3)
5. **(ii)** These declarations must be signed in compliance with the procedures set out in article 38, paragraph 3, of the Presidential Decree 445/2000, by loading 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 does not cause automatic exclusion and the bidder 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 term indicated therein, the competitor will be excluded from continuing the tender. [↑](#endnote-ref-2)