

ANNEX "A"

Declaration on meeting the general participation requirements pursuant to Decree of the President of the Italian Republic – D.P.R. 445/2000

(Please, attach a copy of a current valid identification document of the signatory)

Negotiated procedure tender by fiduciary, according to article n. 125 of the Italian Legislative Decree 163/2006 dated 12/04/2006, for the supply of "**System for THz Time Domain Spectroscopy (THz-TDS) equipped with femtosecond laser source and fiber-coupled emitter and receiver**", to be delivered to the Italian National Research Council - Institute for Complex Systems (CNR-ISC), based at UOS Sapienza, Dept. of Physics, University of Rome "Sapienza", Piazzale Aldo Moro 2, 00185 Rome (Italy).

CIG. 60711718CB

CUP B52I12000270005

The undersigned (Last name, First Name).....
born in (Town/City, Country)..... on (Date of birth).....
Tax Identification Numbers (TIN).....
resident in (Address, no.).....
(Postcode, Town/City, Country)
as (owner, legal representative, agent, attorney, other)
(if applicable) general/special duly appointed representative under the provision of Act no. of
(Date)

legally entitled to represent the company
with its registered office in (Postcode, Town/City, Country, Address, no.)
(if applicable) and operating office in (Postcode, Town/City, Country, Address, no.)
.....

Address for service in (Postcode, Town/City, Country, Address, no.).....
.....

phone fax e-mail

Tax Identification Number (TIN) Taxpayer number (VAT)

hereby

DECLARES

To participate in the present tender

(tick the relevant boxes)

- as individual enterprise (craft included);
- as Temporary (to be formed) Joint Ventures with the following economic operators (*indicate the*

name and address of the registered office of each economic operator)

- agent company

- principal companies

as Temporary (already formed) Joint Ventures with the following economic operators (indicate the name and address of the registered office of each economic operator)

- agent company

- principal companies

as Consortium (to be constituted) (indicate the name and address of the registered office of the consortium and of the group companies which will participate in the tender)

- _____

as Consortium (already constituted) (indicate the name and address of the registered office of the consortium and of the group companies which will participate in the tender)

- _____

In order to participate in the present tender, the undersigned, aware of the legal sanctions set out in art. 76 of D.P.R. 445/2000 and subsequent modifications and integrations in case of false and mendacious declarations, and also aware of the administrative consequences foreseen for the procedures relative to the contracting of public works

DECLARES

1. To have full knowledge of the Letter of Invitation, Technical Specifications, and Contract Outline, acknowledging and accepting all the rules and regulations governing the present tender;
2. With reference to the technical and professional capacity required by art. 4.2.1 of the Letter of Invitation, the tenderer I represent is duly registered in the Register of Enterprises maintained by the Chamber of Commerce of as follows (enterprises based in a foreign country must indicate the data reported in the registry or official list of the country of origin)

business purpose:

Registration number Date of registration
Duration of the Enterprise / End date
Current legal status
Registered office in (Postcode, Town/City, Country, Address, no.)
Adopted Administrative forms
The powers conferred by Statute
Authorized share capital Euro Subscribed share capital Euro
Issued share capital Euro

2.1 The following representatives of the enterprise/tenderer are certificated by the Chamber of Commerce

- Last Name, First name Position and powers
born in on
Tax Identification Number (TIN)
Resident in (Address, no.)
(Postcode, Town/City, Country)
in charge since, term of office (*if applicable*) ceased o.....
- Last Name, First name Position and powers
born in on
Tax Identification Number (TIN)
Resident in (Address, no.)
(Postcode, Town/City, Country)
in charge since, term of office (*if applicable*) ceased o.....
- Last Name, First name Position and powers
born in on
Tax Identification Number (TIN)
Resident in (Address, no.)
(Postcode, Town/City, Country)
in charge since, term of office (*if applicable*) ceased o.....
- Last Name, First name Position and powers
born in on
Tax Identification Number (TIN)
Resident in (Address, no.)
(Postcode, Town/City, Country)

in charge since, term of office (*if applicable*) ceased o.....

(*continue listing if necessary*)

3. Pursuant to art. 38 of Italian Legislative Decree no. 163/2006, the following grounds for disqualification do not apply the enterprise or organization which I represent, or to me:
- a. Being bankrupt or being wound up or having entered into an arrangement with creditors, with the exception under Art. 186-bis of Italian Royal Decree no. 267 dated 16 March 1942, or being the subject of proceedings concerning those matters;
 - b. Being subject of any pending proceedings for the application of prevention measures according to the article 3 of the law 1423/1956 or for grounds for exclusions foreseen by the article 10 of the Italian Law no. 575/1965;
 - c. Being subject of any final (*res judicata*) judgement and any irrevocable criminal decree of conviction or a sentence for the determination of penalty, according to the article 444 of the Italian Code of Criminal Procedure for serious criminal offense against the State or Communities that affect the professional morality;
 - d. Having violated the prohibition of trust under article 17 of the Italian Law of 19 March 1990 no. 55;
 - e. Having committed serious violations, duly ascertained and reported into the registers kept by the National and Community monitoring offices, to the rules governing work safety or any other labor-related obligation;
 - f. Being responsible for any previous, serious contractual violations due to malpractice or bad faith when executing contracts awarded by the Contracting Authority, according to a reasoned evaluation of the Contracting Authority; having committed any serious professional error which has been by any means ascertained by the Contracting Authority;
 - g. Having committed any violation of tax payment obligations deriving from the Italian national legislation or from the legislation of the country where the tenderer is located;
 - h. Having submitted any false declaration, listed in the registries kept by the Italian and Community monitoring offices, in relation to the requirements and conditions relevant for participating in any general procurement procedures;
 - i. Not having fulfilled any obligations relating to the payment of social security contributions in accordance with the legal provisions of the country of establishment or with those of the country of the contracting authority or those of the country where the Contract is to be performed;
 - j. Not being in compliance with the provisions of article 17 of Italian Law no. 68/1999;
 - k. Being interdicted to contract with a public tendering body – such as the one provided for in article 9, paragraph 2, letter c), of the Italian Legislative Decree no. 231/2001 – or being under other similar measures – including the interdiction measures under article 36-bis, paragraph 1, of the Italian Decree-Law no. 223/2006, converted into the Italian Law no. 248/2006;
 - l. Having a suspended or revoked SOA (Società Organismi di Certificazione – Society of Certification Bodies) certificate due to false documents or declarations resulting from the electronic registers of

- the national or Community monitoring bodies (valid only for contracts exceeding 150.000 €);
- m. Having formally charged, during the three years prior the tender publication, for not denouncing to the court extortion or exaction crimes punished under articles 317 and 629 of the Italian Criminal Code (with the aggravating circumstances described under article 7 of Italian Decree-Law no. 152/1991, converted with amendments as Italian Law no. 203/1991), except as otherwise provided in article 4, paragraph 1, of Italian Law no. 689/1081;
- n. In relation to any other participant in this tender, being in any situation of control as per article 2359 of the Italian Civil Code or in any relationship, also factual, which implies that the bids originate from a common decision-making body;

[PLEASE NOTE: with the exceptions of enterprise representatives that ceased to hold the office – in this case see below point 4 – the declaration on the grounds for exclusion referred to in point 3 letters b), c), m) must be made individually by all the subjects listed below, through the submission of Appendix "A-bis":

- The owner and the technical director(s) – sole proprietorship;
- All members and technical director(s) – general partnership;
- The general partners and the technical director(s) – limited partnership;
- The administrators with powers of representation, the technical director(s) and the sole shareholder, or the majority shareholder in case of company with less of four members – other types of companies or consortia]

4. To the best of my knowledge, no final (*res judicata*) judgement, including those expunged from criminal records, no irrevocable criminal decree, and no conviction or sentence of condemnation had been pronounced against the individuals listed at point 2.1 and no longer holding any representative position within the company in the year preceding the date of publication of this call for tender, according to the article 444 of the Italian Code of Criminal Procedure.

[PLEASE NOTE: otherwise, each subject no longer holding representative position within the company must make an individual declaration, submitting Appendix "A-bis". In any case, the exclusion and prohibition apply if the company fails to demonstrate that there has been full and effective dissociation from the criminally sanctioned conduct. However, the exclusion and the prohibition do not apply when the offense has been decriminalized or when rehabilitation occurred or when the offense was declared legally extinct after conviction when the sentence was withdrawn];

5. In order to check compliance with tax and labor laws, the enterprise is registered as follows:
- Local Social security insurance agency for non-Italian companies (INPS - National Institute of Social Insurance office for Italian companies) address.....
.....with registration number.....
 - Local labor insurance agency for non-Italian companies (INAIL - National Institute for the

Prevention of Accidents at Work office for Italian companies) address.....

..... with insurance policy no.

- National Collective Bargaining Agreement
- Enterprise size
 - o Total number of employees
 - o Total number of workers that will be involved in the present provision of services
 - o Total number of employees that will be involved in the present provision of services
 - o Percentage incidence of the workforce on the total cost of the present provision of services

6. The correct payment of taxes can be verified at the following Office:

-
- Address

7. Phone..... Fax Email

8. The compliance with or not being bound by the Italian Law no. 68/99 (on the job placement of disabled persons) or equivalent laws in European countries can be verified at the following Office:

-
- Address
- Phone Fax Email

9. [If applicable] Although the enterprise is under control or in relationship with the following enterprises, which are participating in the present call for tender:

1. _____
2. _____
3. _____

its bid is totally autonomous and independent.

10. The enterprise is not under any of the grounds of disqualification foreseen by art. 37 of the Italian Legislative Decree no. 163/2006 and subsequent amendments and integration.

11. With reference to the technical, professional, economic and financial capacity requested by **article 4.2.2 of the Letter of Invitation**, the enterprise, in the three years preceding the date of publication of the Information Notice of this call for tender (i.e.: three years before the last day of the month preceding the date of publication of the Information Notice on the CNR website; see determination no. 5 of 21/05/2009 of the Italian Authority for the Supervision of Public Contracts - AVCP, par. 2.2) has provided services similar to those of the present call for tender to public administrations and/or private customers, with an economic value over the three years not inferior to the total alleged amount of this call for tender, according to the following details:

Customer	Place of	Description of	Economic	Period
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public/private	execution	service	value	

12. [To be compiled only in case of Temporary Joint Ventures or Consortium already constituted; tick the relevant box]

The following document was supplied in conjunction with the administrative documentation:

- A copy of the collective representation mandates given to the agent [in case of Temporary Joint Ventures already constituted]
- A copy of the statute of the Consortium [in case of Consortium already constituted]

13. [To be compiled only in case of Temporary Joint Ventures to be formed]

The enterprise is committed to constitute a Temporary Joint Venture conforming to the discipline of art. 37 of Italian Legislative Decree no. 163/2006 and subsequent amendments and integrations, assigning a collective mandate with representation to the agent, which, if awarded, will enter into the contract in the name and on behalf of principals.

14. [To be compiled only in case of Temporary Joint Ventures already formed]

The enterprise indicates below, pursuant to art. 37, paragraph 11 of the Italian Legislative Decree no. 163/2006 and subsequent amendments and integrations, the part of the supply that will be secured by the enterprise itself as well as the part of the supply that will be executed by the individual companies constituting the Temporary Joint Ventures:

15. [To be compiled only in case of availment]

The enterprises avails, pursuant to art. 49 of the Italian Legislative Decree no. 163/2006 and subsequent amendments and integrations, of the technical-professional requirements indicated in the Letter of Invitation, provided by the auxiliary company: _____, (to this end, the enterprise has produced the documentation pursuant to Article 49 of the Italian Legislative Decree no. 163/2006).

16. [To be compiled only in case of Cooperative or Consortium of Cooperatives]

Being a cooperative enterprise, the enterprise is registered in the National Register of Cooperative

Enterprises with the following registration number _____ or participating in a Cooperative Consortium, the enterprise is registered in the General Register of Cooperation at the Italian Ministry of Labour and Social Policy (or in the equivalent Register of European countries where the enterprise is located) with the following registration number _____.

17. [Tick the relevant box]

- The enterprise possesses the quality system certification, still valid, in accordance with European standard UNI CEI ISO 9000, issued by accredited certification bodies, in compliance with European standards UNI CEI EN 45000 and UNI CEI EN ISO/IEC 17000;
- The enterprise does not possess the quality system certification, still valid, in accordance with European standard UNI CEI ISO 9000, issued by accredited certification bodies, in compliance with European standards UNI CEI EN 45000 and UNI CEI EN ISO/IEC 17000

18. The enterprise acknowledges that the contract price, being a lump sum price, is fixed and invariable for the entire duration of the contract.

19. The enterprise is aware that the Contracting Authority reserves the right to verify, also through random checks, the truth of the declarations, and is also aware that, in the event of these declarations turning out to be false, the enterprise will be excluded from the tender or, if the enterprise was awarded, the award will be considered null and/or revoked; in addition, the enterprise is aware that, if the content of these declarations proved to be false after signing the contract, the contract can be legally terminated by the Contracting Authority pursuant to art. 1456 of the Italian Civil Code.

20. The enterprise acknowledges and accepts that, pursuant to art. 79 of the Italian Legislative Decree no. 163/2006, any communication and requests for clarification and/or integration about the tender documentation, as in art. 46 of the aforementioned Italian Legislative Decree no. 163/2006, will be made via:

- email, at the following address: _____
- FAX, at the following number: _____

21. The enterprise is informed, pursuant to art. 13 of the Italian Law no. 196/2003, that personal data collected and processed, also with the support of electronic instrument, will be processed exclusively for the purposes of this tender, following what is expressly specified in the Letter of Invitation for this procedure.

22. The following documentation is attached to this declaration:

- the documentation required in case of availment for the tenderer participation and the auxiliary enterprise;
- copy of the original power of attorney (general or special), if this declaration is signed by an attorney;
- photocopy, *recto verso*, of an identity document or other equivalent valid identification document of the subscriber, pursuant to art. 35 paragraph 2 of Decree of the Italian Republic President no.

445/2000.

(Place and date) _____, _____

(Legal representative signature)

FAAC SIMILE