

## SUPPLEMENTARY DECLARATION TO THE ESPD

**Subject:** Contract award procedure and request for documents to purchase *COMPONENTS FOR THE PRESSURISATION APPARATUS FOR THE "PYSTON-CYLINDER" EXPERIMENTAL INSTRUMENTATION AT THE HP/HT LABORATORY OF THE DEPARTMENT OF EARTH SCIENCES - CUP B53C22004020002 – CIG B66F2068D8.*

I, the undersigned Mr. Chris Heidenreiter

born in Kulmbach, Germany..... on 20<sup>th</sup> of August 1992, Tax ID no. DE 811 777 116.....

in my capacity as managing director .....

of the economic operator Max Voggenreiter GmbH, Mainleus, Germany.....

If the bid is submitted by a representative with special power of attorney, please indicate the details of the notarial instrument .....

with registered office in .....

Certified email (PEC) .....

Tax identification/VAT number of the economic operator .....

Business activity code of the company: Mechanical engineering....., for the purposes of participating in the above-said procedure, under my own responsibility pursuant to Article 38, paragraph 3 and Articles 46, 47 and 77-bis of Presidential Decree 445/2000, as amended, aware of the criminal penalties for misrepresentation and forgery under Article 76 of Presidential Decree 445/2000, which apply in addition to exclusion from the tender procedure,

**Declare as follows (Tick the appropriate boxes):**

I unreservedly accept all the rules and provisions set out in the documentation *[optional, if a CAM decree is in force]* including the minimum environmental criteria according to decree ... *[reference of the decree is indicated by the commissioning body]*;

*[If applicable, for NRRP procurement] For tender procedures involving public investments funded, in whole or in part, by the National Recovery and Resilience Plan, pursuant to Regulation (EU) 2021/240 of the European Parliament and of the Council of 10 February 2021 and Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 (NRRP), or by the National Plan for Complementary Investments to the NRRP, pursuant to Article 1 of Decree-Law no. 59 dated 6 May 2021 (PNC), and initiated after entry into force of Decree-Law no. 77 dated 31 May 2021, converted with amendments by Law no. 108 dated 29 July 2021:*

The company has more than 50 employees. For this reason, I attach:

- A copy of the latest gender report on male and female staff submitted to the trade union representatives and regional equality councillors, and a certification of its conformity with that submitted to the trade union representatives and regional equality councillors pursuant to Article 47, paragraph 2 of Decree-Law 77/2021, converted into Law 108/2021 (Article 94, paragraph 5, letter c) of the Code);
- Additionally, if the report was not submitted by the deadline indicated in Article 46 of Legislative Decree 198/2006, proof of submission of the same report to the trade union representatives and regional equality councillors;

**or, alternatively**

The company has 15 to 50 employees. For this reason,

- It undertakes, in the event of being awarded the contract, within 6 months of the signing, to submit a gender report on male and female staff, providing details for each job and the status of hiring, training, professional development, salary levels, career advancements, other mobility aspects, use of the wage supplementation scheme (*Cassa Integrazione Guadagni*), dismissals, early retirements and retirements, and salaries actually

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paid, and to send it to the trade union representatives and regional equality councillors (Article 47, paragraph 3-bis of Decree-Law 77/2021, converted into Law 108/2021);

- In the twelve months prior to bidding in this procedure, it has not breached the obligation to submit the gender report on male and female staff pursuant to Article 47, paragraph 3 of Decree-Law 77/2021, in relation to other public procedures under the NRRP or the PNC;
- It undertakes, in the event of being awarded the contract, within 6 months of the signing, to submit a declaration of compliance with the rules that govern the right of persons with disabilities to work, pursuant to Article 17 of Law no. 68 dated 12 March 1999, and a report regarding compliance with the obligations under the same Law 68/1999, as well as any sanctions or measures taken against it in the three-year period before the deadline to submit bids. By the same deadline, the report must be submitted to trade union representatives as well (Article 47, paragraph 3-bis of Decree-Law 77/2021, converted into Law 108/2021);

or, alternatively

The company has fewer than 15 employees. For this reason, it is under no obligation to comply with Article 47, paragraphs 2, 3 and 3-bis of Decree-Law 77/2021, converted into Law 108/2021;

The number of employees at the time of submitting the application is \_\_\_\_\_. Pursuant to Article 47, paragraph 4 of Decree-Law 77/2021, in the event of being awarded the contract and if three or more new employees were to be hired to perform the contract itself or any related or ancillary activities, the company undertakes to reserve:

- 30% of new hires for youth employment; *[Please indicate any different percentage, if the exception under Article 47, paragraph 7 of Decree-Law 77/2021 applies]*
- 30% of new hires for female employment; *[Please indicate any different percentage, if the exception under Article 47, paragraph 7 of Decree-Law 77/2021 applies]*

Further declare as follows

*[for services/supplies in the sensitive sectors referred to in Article 1, paragraph 53 of Law 190/2012]* I am registered on the White List of suppliers and service providers not subject to mafia infiltration attempts, kept at the Prefecture of the Province of \_\_\_\_\_, or I have applied to register on the White List of suppliers and service providers not subject to mafia infiltration attempts, kept at the Prefecture of the Province of \_\_\_\_\_;

**For economic operators which are not resident and have no permanent establishment in Italy**

I undertake, in the event of being awarded the contract, to comply with the provisions of Article 17, paragraph 2 and Article 53, paragraph 3 of Presidential Decree 633/1972 and to communicate the tax representative's name to the commissioning body, as required by law;

I provide the following information: tax domicile, Tax ID number, VAT number, certified email address tax domicile: Tax domicile: Kulmbach; Tax ID number 9/229/283/60036; VAT number: DE 811 777 116; email address: mavo@voggenreiter-gmbh.de **or** equivalent tool in another Member State, for the purpose of receiving notices under Article 90 of the Code;

I have read and accept the processing of personal data as set out in the Information pursuant to Articles 13 and 14 of the GDPR (general data protection regulation) 2016/679 and current national legislation accessible at the following link <https://www.uniroma1.it/it/pagina/settore-gare-beni-e-servizi> in the "attachments" section;

*[To be added when the supply/service requires appointment of a processor for third-party data. To be removed if the service/supply only provides for the processing of the personal data of the contracting parties]* I meet the requirements of experience, capacity and reliability needed to ensure full compliance with the provisions on personal data protection, including with regard to security, and I am in a position to assume the role of Processor. I am aware that, in the event of being awarded the contract, I will be appointed by the Administration as a

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“Processor” or “Sub-Processor” for the processing of personal data, pursuant to Article 28 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016, laying down the General Data Protection Regulation (hereinafter also referred to as the “EU Regulation” or “GDPR”), as well as the Italian provisions implementing the GDPR, subject to verification by the Administration that the national and EU legal requirements are met. In that case, I undertake to provide the Administration with sufficient guarantees and implement all technical and organisational measures necessary to ensure compliance with the laws and standards in force on the processing of personal data, and any further measures needed to comply with any change in said laws such to result in new requirements (including of a physical, logical, technical or organisational nature, relating to security or processing of personal data) for the Processor or Sub-Processor, and to collaborate, within the limits of my technical and organisational responsibilities and resources, with the Controller/Processor in order to develop and adopt corrective measures to comply with any new requirements and measures implemented during performance of the contract, at no additional cost for the Administration;

- Participation in this procedure will cause no conflict of interest or potential conflict of interest under Articles 6 and 7 of Presidential Decree 62/2013 and Article 16 of the Code and I undertake to timely report any potential conflict of interest affecting anyone involved in the procedure and submit any useful information for consideration to the commissioning body;
- Pursuant to Article 53, paragraph 16-ter of Legislative Decree 165/2001 (prohibition of *pantouflage* or revolving door), I have not concluded employment or freelance contracts with and, in any case, have not engaged former employees of the commissioning body whose employment with the latter terminated less than three years ago and who, during the last three years of service, exercised authorisation or negotiation powers on behalf of the commissioning body vis-a-vis the same economic operator. I am aware that any contracts or engagements in breach of the prohibition pursuant to Article 53, paragraph 16-ter of Legislative Decree 165/2001 are null and void and that the private entities which entered into such contracts or engagements may not contract with the public administration for the following three years and will be required to return any consideration received in relation thereto;

- **[For NRRP procurement]** I undertake to comply with the “Do Not Significant Harm” (DNSH) principle, pursuant to Article 17 of Regulation (EU) 2020/852, Article 18 of Regulation (EU) 2021/241 and MEF-RGS Memo no. 33 dated 13.10.2022, “Do Not Significant Harm (so-called DNSH) Operational Guide Updates” in accordance with the Technical specifications and/or annexes.

**Declarations in case of submission to composition with creditors as a going concern**

- DECLARE that the order of admission to the arrangement was issued on ..... by .....
- DECLARE that the order authorizing participation in tenders was issued on ..... by .....

▪ (only in the case of a grouping)

DECLARE that the other member companies of the grouping are not subject to bankruptcy proceedings, pursuant to Article 95, paragraphs 4 and 5, of Legislative Decree No. 14/2019

ATTACHES the report of a professional who meets the requirements of Article 2, paragraph 1, letter o) of the aforementioned Legislative Decree certifying compliance with the plan and reasonable ability to fulfill the contract.

**Statements in case of Subjection to Seizure/Fiscation**

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(In case of Subjection to seizure or confiscation pursuant to Article 240-bis of the Criminal Code or Articles 20 and 24 of Legislative Decree No. 159 of September 6, 2011, and entrustment to judicial or financial custodian or administrator. The declaration is made for the purposes of Article 96, paragraph 13, of the Code)

▪ DECLARES that the measure .... (indicate the type of measure ... Subjection to seizure or confiscation pursuant to Article 240-bis of the Criminal Code or Articles 20 and 24 of Legislative Decree No. 159 of September 6, 2011, and entrustment to judicial or financial custodian or administrator) was issued on ... by ....

**Additional declarations**

FURTHER DECLARE:

- (if adopted by the bidder) that the governing body has adopted organizational or management models suitable for preventing the crimes covered by Legislative Decree 231/01, on ....;
- that the identification data (name, surname, qualification, date and place of birth, tax code, municipality of residence) of the persons referred to in Article 94, paragraph 3 of the Code, including the de facto administrator, if any, are as follows : \_\_\_\_\_

Or alternatively:

- that the official database or public record from which the same can be derived, as of the date of submission of the bid, is the following: \_\_\_\_\_;
- that it considers the economic offer submitted to be remunerative, having taken into account, for its formulation:
  - of the contractual conditions and charges including those, if any, relating to safety, insurance, working conditions and social security and assistance deriving from the CCNL applied;
  - of all general, particular and local circumstances, none excluded and excepted, which may have influenced or may influence both the performance of the activities and the determination of its bid;
- to accept the integrity pact (art. 1, paragraph 17, of l. 190/2012) accessible at the following link <https://www.uniroma1.it/it/pagina/settore-gare-beni-e-servizi> in the "attachments" section;
- to be aware of the obligations arising from the Code of Ethics and Conduct adopted by the contracting station by Rectoral Decree No. 3430/2022 (Prot. No. 107441 of 28/11/2022) available at the following link <https://www.uniroma1.it/it/pagina/settore-gare-beni-e-servizi> in the "attachments" section and to undertake, in case of award, to observe and have its employees and collaborators observe, to the extent applicable, the aforementioned code, under penalty of termination of the contract;
- TO ACCEPT, without condition or reservation, all the rules and provisions contained in the tender documents;
- UNDERTAKE to comply, in case of award, with the obligations of traceability of financial flows pursuant to Law No. 136 of August 13, 2010;
- DECLARE to be informed, pursuant to and for the purposes of Article 13 of EU Regulation 2016/679, that the personal data collected will be processed, including by computer, exclusively in the context of this tender, as well as of the existence of the rights referred to in Articles 15 to 22 of the Regulation;
- UNDERTAKE not to implement in this tender any agreements and/or practices restrictive of competition and the market prohibited under applicable regulations;
- DECLARE that the contract is not subject to "double financing" within the meaning of Article 9 of Regulation (EU) 2021/241.

Signature

[Digitally signed by the legal representative/attorney<sup>1</sup>]

  
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mavo@voggenreiter-gmbh.de

<sup>1</sup>If the declaration is signed by an attorney of the legal representative, please attach a true copy of the power of attorney or, only in the event that the Economic Operator's Chamber of Commerce certificate expressly indicates the representation powers granted to the attorney, a self-declaration of the attorney/legal representative who signs this document, certifying the representation powers stated in the Chamber of Commerce certificate.