

**DECLARATION IN LIEU OF AFFIDAVIT PURSUANT
TO ART. 52 of Legislative Decree 36/2023**

ALSO ISSUED PURSUANT TO ART. 46 47 of Italian Presidential Decree 445/2000
(Replacement of certificates and declarations with non-authenticated photocopies and duplicates in the
forms provided for in Articles 18 and 19 of Presidential Decree No. 445/2000 is not permitted)

I, undersigned, _____ born in _____
on _____ taxcode number _____,
domiciled for the office at the company office indicated below, in my capacity as legal
representative with the necessary powers to bind the company

COMPANY NAME	
COMPANY TYPE	
VAT ID NUMBER/TAXPAYER CODE	
REGISTERED OFFICE	
'PEC' CERTIFIED ELECTRONIC MAIL	
ENTRY IN A RELEVANT PROFESSIONAL REGISTER Professional association registration number / ENTRY IN A COMMERCIAL REGISTER Economic and Administrative Index number For economic operators from another Member State and not resident in Italy, indicate entry in one of the professional or commercial registers listed in Annex II. ¹¹	

within the meaning and for the purposes of Art. 76 of Italian Presidential Decree 445/2000, aware of the responsibility and of the civil and criminal consequences provided for in the event of false declarations and/or the formation or use of false documents and/or in the event of the exhibition of documents containing data no longer corresponding to the truth;

HEREBY DECLARE

– the identification data of each of the persons indicated in Art. 94 para. 3 of Legislative Decree 36/2023²

NAME AND SURNAME	PLACE OF BIRTH	DATE OF BIRTH	TAXPAYER CODE

¹ <https://www.normattiva.it/do/atto/caricaPdf?cdimg=23G0004402600010110001&num=0001&dgu=2023-03-31>

²
a) owner or technical director, in the case of a sole proprietorship;
b) general partner or technical director, in the case of a general partnership;
c) general partners or technical director, in the case of an ordinary limited partnership;
d) members of the board of directors entrusted with legal representation, including agents and general attorneys;
e) members of bodies with management or supervisory powers or persons with powers of representation, management or control;
f) technical director or sole shareholder;
g) de facto director in the cases referred to in the previous lettered items

Where the partner is a legal person, enter the identification data of the directors of the legal person.

– identification data of the beneficial owner³

NAME AND SURNAME	PLACE OF BIRTH	DATE OF BIRTH	TAXPAYER CODE

GROUNDS FOR EXCLUSION

A. Grounds related to criminal convictions

Participation in a criminal organisation

Has the economic operator or one of the persons referred to in Article 94 para. 3 of Italian Legislative Decree No 36 of 31 March 2023 been convicted with a final sentence or a criminal conviction order that has become irrevocable for the reason stated above?

Participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime. Participation in a criminal organisation - Italian Legislative Decree No 36 of 31 March 2023 - Article 94, para. 1, letter (a).

Answer given

Corruption

Has the economic operator or one of the persons referred to in Article 94 para. 3 of Italian Legislative Decree No 36 of 31 March 2023 been convicted with a final sentence or a criminal conviction order that has become irrevocable for the reason stated above?

Corruption, as defined in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, OJ C 195, 25.6.1997, and in Article 2(1) of the Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector (OJ L 192, 31.7.2003). This ground for exclusion also includes corruption as defined in the national law of the contracting authority (contracting entity) or the economic operator. Corruption - Italian Legislative Decree No. 36 of 31 March 2023 - Art. 94, para. 1, letter (b).

Answer given

Fraud

Has the economic operator or one of the persons referred to in Article 94 para. 3 of Italian Legislative Decree No 36 of 31 March 2023 been convicted with a final sentence or a criminal conviction order that has become irrevocable for the reason stated above?

Fraud within the meaning of Article 1 of the Convention on the Protection of the European Communities' Financial Interests (OJ C 316, 27.11.1995). Fraud - Italian Legislative Decree No. 36 of 31 March 2023 - Art. 94, para. 1, letter (d).

Answer given

Terrorist offences or offences related to terrorist activities

Has the economic operator or one of the persons referred to in Article 94 para. 3 of Italian Legislative Decree No 36 of 31 March 2023 been convicted with a final sentence or a criminal conviction order that has become irrevocable for the reason stated above?

Terrorist offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of the Council Framework Decision of 13 June 2002 on combating terrorism (OJ L 164, 22.6.2002). This ground for exclusion also includes

inciting, aiding or abetting or attempting to commit an offence, as referred to in Article 4 of the said Framework Decision. Terrorist offences or offences linked to terrorist activities - Italian Legislative Decree No. 36 of 31 March 2023 - Art. 94, para. 1, letter (e).

Answer given 

Laundering the proceeds of criminal activity or terrorist financing

Has the economic operator or one of the persons referred to in Article 94 para. 3 of Italian Legislative Decree No 36 of 31 March 2023 been convicted with a final sentence or a criminal conviction order that has become irrevocable for the reason stated above?

Laundering the proceeds of criminal activity or terrorist financing, as defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (OJ L 101, 15.4.2011). Laundering the proceeds of criminal activity or terrorist financing - Italian Legislative Decree No 36 of 31 March 2023 - Art. 94, para. 1, letter (f)

Answer given 

Child labour and other forms of human trafficking

Has the economic operator or one of the persons referred to in Article 94 para. 3 of Italian Legislative Decree No 36 of 31 March 2023 been convicted with a final sentence or a criminal conviction order that has become irrevocable for the reason stated above?

Child labour and other forms of trafficking in human beings, as defined in Article 2 of Directive 2011/36 / EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (OJ L 101, 15.4.2011). Exploitation of child labour and other forms of trafficking in human beings - Italian Legislative Decree No. 36 of 31 March 2023 - Art. 94, para. 1, letter (g)

Answer given 

B. Grounds related to the payment of taxes or social security contributions

Payment of taxes

Has the economic operator breached its obligations regarding the payment of taxes, both in the country in which it is established and in the Member State of the contracting authority or contracting entity, if different from the country of establishment?

Payment of Fees - Italian Legislative Decree No. 36 of 31 March 2023 - Art. 94, para. 6 and Art. 95, para. 2

Answer given 

Payment of social security contributions

Has the economic operator breached its obligations regarding to the payment of social security contributions, both in the country in which it is established and in the Member State of the contracting authority or contracting entity if different from the country of establishment?

Payment of Social Security Contributions - Italian Legislative Decree No. 36 of 31 March 2023 - Art. 94, para. 6 and Art. 95, para. 2

Answer given 

C. Grounds related to insolvency, conflicts of interest or professional misconduct

Breach of environmental law obligations

Has the economic operator, to the best of its knowledge, breached its environmental law obligations?
As stated for the purposes of this tender in national law, the relevant notice or tender documents or
Article 18(2) of Directive 2014/24/EU

Breach of environmental law obligations - Italian Legislative Decree No 36 of 31 March 2023 - Art. 95, para. 1, letter (a).

Answer given

Breach of social law obligations

Has the economic operator, to the best of its knowledge, breached its obligations under social law?

As stated for the purposes of this tender in national law, the relevant notice or tender documents or Article 18(2) of Directive 2014/24/EU. Breach of social law obligations - Italian Legislative Decree No 36 of 31 March 2023 - Art. 95, para. 1, letter (a).

Answer given

Breach of labour law obligations

Has the economic operator, to the best of its knowledge, breached its labour law obligations? *As stated for the purposes of this tender in national law, the relevant notice or tender documents or Article 18(2) of Directive 2014/24/EU. Breach of labour law and occupational health and safety obligations - Italian Legislative Decree No. 36 of 31 March 2023 - Art. 95, para. 1, letter (a).*

Answer given

Bankruptcy

Has the economic operator undergone winding up by the court or are there proceedings pending it to be declared under winding up by the court?

Winding up by the court. Italian Legislative Decree No. 36 of 31 March 2023 - Art. 94, para. 5, letter (d).

Answer given

Compulsory liquidation

Is the economic operator the subject of a compulsory liquidation measure or is a procedure under way to issue such a measure?

Compulsory liquidation Italian Legislative Decree No. 36 of 31 March 2023 - Art. 94, para. 5, letter (d).

Answer given

Arrangement with creditors

Has the economic operator been admitted to an arrangement with creditors or is a procedure for admission under way?

Arrangements with creditors. Italian Legislative Decree No. 36 of 31 March 2023 - Art. 94, para. 5, letter (d).

Answer given

Serious professional misconduct

Has the economic operator committed serious professional misconduct?

Serious professional misconduct - Italian Legislative Decree No. 36 of 31 March 2023 - Art. 95, para. 1, letter (e) and Art. 98, para. 3 letters (d), (e), (f), (g), (h)

Answer given

Agreements with other economic operators to distort competition

Has the economic operator entered into agreements with other economic operators aimed at distorting competition?

Italian Legislative Decree No. 36 of 31 March 2023 - Art. 98, para. 3, letter (a).

Answer given

Conflict of interest related to participation in the tender procedure

Is the economic operator aware of conflicts of interest as referred to in national law, the relevant notice or tender documents due to its participation in the tender procedure?

Conflict of interest linked to participation in the tender procedure - Italian Legislative Decree No 36 of 31 March 2023 - Art. 95, para. 1, letter (b).

Answer given

Direct or indirect participation in the preparation of the tender procedure

Has the economic operator or a subsidiary of its provided advisory services to the contracting authority or contracting entity or has it otherwise participated in the preparation of the tender procedure?

Direct or indirect participation in the preparation of the tender procedure - Italian Legislative Decree No. 36 of 31 March 2023 - Art. 95, para. 1, letter (c).

Answer given

Early termination, damages or other comparable sanctions

Has the economic operator been involved in the early termination of a previous public contract, a previous contract with a contracting entity or a previous concession contract, or has it been involved in the imposition of damages or other comparable sanctions in connection with that previous contract?

Deficiencies in the performance of a previous contract - Early termination, damages or other comparable sanctions - Italian Legislative Decree No. 36 of 31 March 2023 - Art. 98, para. 3, letter (c)

Answer given

Undue influence in the decision-making, taking undue advantage from confidential information

Can the economic operator confirm that: it has not committed serious misrepresentation in supplying the information required to verify the absence of exclusion grounds or compliance with the selection criteria; it has not omitted to supply such information; it has been able to promptly produce the supporting documents requested by the contracting authority or contracting entity; it has refrained from unduly influencing the decision-making process of the contracting authority or contracting entity to obtain confidential information that may give it an undue advantage in the tender procedure; it has not negligently provided misleading information that may have a significant influence on decisions concerning exclusion, selection or the award of the contract?

Misrepresentations - Italian Legislative Decree No. 36 of 31 March 2023 - Art. 94, para. 5 letter (e) and (f), and Art. 98 para. 3, letter (b).

Answer given

D. Other grounds for exclusion with reference to current legislation

Grounds for exclusion only provided for by Italian law

Was any of the persons referred to in Art. 94, paragraph 3 of Legislative Decree 36/2023 been convicted with a final sentence or criminal conviction order that has become irrevocable for the offence of false corporate communications referred to in Articles 2621 and 2622 of the Civil Code?

Italian Legislative Decree No. 36 of 31 March 2023 - Art. 94, para. 1, letter (c).

Answer given

Has any of the persons referred to in Art. 94, paragraph 3 of Legislative Decree 36/2023 been convicted with a final sentence or criminal conviction order that has become irrevocable for any offence that involves the ancillary punishment of inability to contract with public administrations?

Italian Legislative Decree No. 36 of 31 March 2023 - Art. 94, para. 1, letter (h).

Answer given

Is there any grounds for applying to the persons referred to in Art. 94, paragraph 3, of Italian Legislative Decree No 36/2023, the disqualification, suspension or prohibition measures provided for in Article 67 of Italian Legislative Decree No 159 of 6 September 2011, or are there grounds for charging them with attempted mafia infiltration according to in Article 84, para. 4, of the said Decree No 159/2011?

Answer given

Has the economic operator been banned under Article 9, para. 2, letter (c) of Legislative Decree No 231 of 8 June 2001, or has it been subjected to any other ban on concluding a contract with a public administration under Article 14 of Legislative Decree No 81 of 9 April 2008?

Italian Legislative Decree No. 36 of 31 March 2023 - Art. 94, para. 5, letter (a).

Answer given

Has the economic operator infringed the rules governing the right to work of disabled persons under Law No. 68 of 12 March 1999?

Italian Legislative Decree No. 36 of 31 March 2023 - Art. 94, para. 5, letter (b).

Answer given

Is the economic operator in the condition provided for in Art. 53, para. 16-ter of Legislative Decree No 165/2001 (pantouflage or revolving door) in so far as it has concluded employment or self-employment contracts and, in any event, has assigned tasks to former employees of the contracting authority who terminated their employment relationship less than three years ago and who, during the last three years of service, exercised authoritative or negotiating powers on behalf of the same contracting authority vis-à-vis the same economic operator?

Answer given

- That I accept the Integrity Pacts of Politecnico di Milano (Article 1, paragraph 17 of Law 190/2012);
- That I am aware of the obligations arising from the Integrated Activity and Organisation Plan adopted by the contracting authority and available on its website at https://trasparenza.polimi.it/contenuto35853_piano-integrato-di-attivita-e-organizzazione_711.html

- That I am aware of the obligations arising from the Code of Conduct adopted by the contracting authority by Rectoral Decree, Coll. 3183, Reg. 67856 of 19 April 2019, available at: <https://www.normativa.polimi.it/strumenti/dettaglio-regolamento/codice-etico-e-di-comportamento> and I undertake, in the event I am awarded the contract, to observe and have my employees and collaborators observe the aforementioned Code, insofar as applicable, under penalty of termination of the contract;
- That I am aware that Politecnico di Milano reserves the right to carry out checks, including random checks, on the truthfulness of declarations.
- if the economic operator has answered 'yes' to one or more of the above-mentioned requests, it is required to indicate below any measures taken and any other information that may be useful for assessing compliance with the general requirements.

Place _____

Date

Signature