



To the **MUNICIPALITY OF MATERA**
LAND MANAGEMENT DIVISION
 Via Aldo Moro (without street number)
MATERA

ATTACHMENT 5

**CALL FOR THE SELECTION OF INNOVATIVE SUBJECTS AND PROJECTS TO
 INSTALL IN THE TECHNOLOGICAL RESEARCH AND INNOVATION HUB OF THE
 MUNICIPALITY OF MATERA**

SWORN AFFIDAVIT

(to be provided by other subjects (pursuant to Article 80(3) of Legislative Decree No. 50/2016)
 only as regards already established companies)

The undersigned..... born in
 on and residing in in
 street, in his express capacity as.....
 of the firm based in
 (indicate only in the event of a firm already established), in
 street (indicate only in the event of a firm already established),

pursuant to Articles 46 and 47 of Presidential Decree No. 445 of 28/12/2000, aware of the criminal penalties laid down by Article 76 of the same Presidential Decree No. 445/2000 in the instances of falsification of documents and untrue statements therein mentioned,

HEREBY DECLARES

1) pursuant to Article 80(1) of Legislative Decree No. 50/2016, that he has not been convicted of a criminal offence by definitive sentence or by criminal court order turned irrevocable or by a sentence imposing the alternative sanction requested by the parties pursuant to Article 444 of the Italian Code of Civil Procedure, for one or more of the following offences:

- crimes, actualised or attempted, referred to in Articles 416 and 416*bis* of the Italian Criminal Code, or crimes committed by making use of the conditions envisaged by the said article 416*bis*, or for the purposes of facilitating the activity of the associations mentioned in the same article, as well as the crimes, actualised or attempted, referred to in Article 74 of Presidential Decree No. 309 of 9 October 1990, Article 291*quater* of Presidential Decree No. 43 of 23 January 1973, and Article 260 of Legislative Decree No. 152 of 3 April 2006, as being traceable to participation in a criminal organisation as defined in Article 2 of the Council's framework resolution 2008/841/GAI [*Article 80(1)(a)*];
- crimes, actualised or attempted, referred to in Articles 317, 318, 319, 319*ter*, 319*quater*, 320, 321, 322, 322*bis*, 346*bis*, 353, 353*bis*, 354, 355 and 356 of the Italian Criminal Code, as well as Article 2635 of the Italian Civil Code [*Article 80(1)(b)*];
- false accounting as referred to in Articles 2621 and 2622 of the Italian Civil Code [*Art. 80(1)(b-bis)*];
- fraud pursuant to Article 1 of the convention on protection of the financial interests of the European Communities [*Art. 80(1)(c)*];
- crimes, actualised or attempted, committed for purposes of terrorism, international as well, and subversion of the constitutional order, terrorist crimes or crimes linked to terrorist activities [*Art. 80(1)(d)*];
- crimes referred to in Articles 648*bis*, 648*ter* and 648*ter*(1) of the Italian Criminal Code, laundering of proceeds of criminal activities or funding of terrorism, as defined in Article 1 of Legislative Decree No. 109 of 22 June 2007, as subsequently amended [*Art. 80(1)(e)*];
- exploitation of child labour and other forms of trafficking in human beings as defined through Legislative Decree No. 24 of 4 March 2014 [*Art. 80(1)(f)*];
- another crime entailing, as accessory penalty, the legal incapacity to contract with the public administration [*Art. 80(1)(g)*].

2) pursuant to Article 80(2) of Legislative Decree No. 50/2016, that he is subject to no grounds for forfeiture of rights, suspension or prohibition as laid down by Article 67 of Legislative Decree No. 159 of 6 September 2011, and he is not guilty of attempted mafia-style infiltration referred to in Article 84(4) of the same Decree. The foregoing is without prejudice to the provisions of Articles 88(4-bis) and 92(2) and (3) of Legislative Decree No. 159 of 6 September 2011, as regards, respectively, anti-mafia notifications and anti-mafia information.

3) pursuant to Article 80(4) of Legislative Decree No. 50/2016, that he has not committed serious breaches, conclusively proved, of his obligations pertaining to payment of taxes and duties or of social security contributions, according to Italian legislation or that of the State laying them down;

4) pursuant to Article 80(5) of Legislative Decree No. 50/2016:

- that he has not committed serious breaches, duly proved, of the rules in force in the field of workplace health and safety as well as of the obligations referred to in Article 30(3) of Legislative Decree No. 50/2016 [*Art. 80(5)(a)*];
- that he is not in a state of bankruptcy, compulsory liquidation or arrangement with creditors, save for the instance of an arrangement with corporate continuity, nor are any pending

proceedings for the judicial declaration of one of such situations, subject to the provisions of Article 110 of Legislative Decree No. 50/2016 [Art. 80(5)(b)];

- that he has not been guilty of serious professional offences that are such as to bring his integrity or reliability into question, such as significant shortcomings in the execution of a prior procurement or concession contract that occasioned its early termination, undisputed in legal proceedings, or gave rise to an adverse order to compensate for the damage or to other penalties, or guilty of an attempt to unduly influence the decisional process of the contracting authority or obtain confidential information for his own advantage; or guilty, negligently as well, to have provided untrue or misleading information capable of influencing decisions on the exclusion, selection or award, or to have omitted information due for the correct implementation of the selection procedure [Art. 80(5)(c)];
- that his participation in this procedure does not entail any conflict of interests scenarios as defined in Article 42(2) of Legislative Decree No. 50/2016 [Art. 80(5)(d)];
- that there is no distortion of competition arising from prior involvement by the economic operators in drawing up the tender procedure referred to in Article 67 of Legislative Decree No. 50/2016 [Art. 80(5)(e)];
- that he is not subject to the ban referred to in Article 9(2)(c) of Legislative Decree No. 231 of 8 June 2001, or to another penalty that entails the prohibition to contract with the public administration, including the disqualifications set out in Article 14(d) of Legislative Decree No. 81 of 9 April 2008 [Art. 80(5)(f)];
- that he has not submitted in the tender procedure underway untruthful documentation or statements [Art. 80(5)(f-bis)];
- that he is not registered in the computerised record kept by the ANAC Supervisory Body for having submitted untrue statements or falsified documents in tender procedures and subcontracting assignments [Art. 80(5)(f-ter)];
- that he is not registered in the computerised record kept by the ANAC Supervisory Body for having submitted untrue statements or falsified documents in order to obtain a certificate of qualification [Art. 80(5)(g)];
- that he has not breached the prohibition on fiduciary registration of stakes to trust companies as per Article 17 of Law No. 55 of 19 March 1990 [Art. 80(5)(h)];
- pursuant to the requirements of Article 80(5)(i), based on the provisions of Article 17 of Law No. 68 of 12 March 1999 (*tick the applicable case*):

that the firm is duly compliant with the legal rules governing the right to work of disabled persons;

that the firm is not subject to the legal rules governing the right to work of disabled persons, in that

- that there are no grounds for exclusion referred to in Article 80(5)(l);
- pursuant to Article 80(5)(m) of Legislative Decree No. 50/2016, declares and certifies (**tick**):
 - that it is not under a control situation referred to in Article 2359 of the Italian Civil Code with another subject, and that it has formulated the offer autonomously;
 - that it is unaware of participation in the same procedure by subjects that find themselves, vis-à-vis the competitor, under one of the control situations referred to in Article 2359 of the Italian Civil Code, and that it has formulated the offer autonomously;
 - that it is aware of participation in the same procedure by subjects that find themselves, vis-à-vis the competitor, under one of the control situations referred to in Article 2359 of the Italian Civil Code, and that it has formulated the offer autonomously;

5) pursuant to Article 1-bis(14) of Law No. 383 of 18 October 2001 (*tick the applicable case*):

- that they did not make use of individual legalisation plans referred to in Law No. 383/2001;
- that they did make use of individual legalisation plans referred to in Law No. 383/2001, but that the legalisation period ended on

6) that they have complied, inside their business, with the safety obligations laid down by Legislative Decree No. 81/2008 as subsequently amended and supplemented and with environmental safety obligations;

7) with regard to the grounds for invalidity of the contracts referred to in paragraph 16-ter of Article 53 of Legislative Decree No. 165/2001, introduced by Law No. 190/2012, he declares that he neither has in his employ nor has conferred professional or collaboration mandates on persons who in the last three years have exercised authoritative or negotiating power on behalf of the Municipality of Matera by virtue of a public service relationship;

8) (if applicable) that in the year preceding publication of the call, the following technical managers and/or directors equipped with powers of representation and/or members have ceased office:

.....

....., on

SIGNATURE *

(*) Pursuant to Article 38 of Presidential Decree No. 445 of 28/12/2000, signature of this application is not subject to authentication wherever submitted together with a photocopy, albeit not authenticated, of the undersigned's identity document