



Municipality of Trieste

## Annex I to the invitation to tender letter

Trieste, November 2015

SUBJECT: Exploratory market research designed to acquire candidates for an invitation to tender by negotiated procedure (Art. 125, subparagraphs 10 and 11 of Law Decree no. 163/2006 and subsequent amendments and supplements thereto) and to identify the economic operator to be entrusted with the laying out of the guidelines for the drawing up of a strategic plan for the enhancement of area of the Old Port of Trieste. Contract starting price € 170,000.00 + VAT to the extent allowed by law. Category 8 research and development services paragraphs from 73000000-2 to 73436000-7. CIG (Procedure Identification Code):  
.....

### SELF-CERTIFICATION FORM ACCOMPANYING APPLICATION

To:  
**MUNICIPALITY OF TRIESTE**  
**Strategic Projects, Tenders, Contracts**  
**and General Affairs Service**  
**Piazza dell'Unità d'Italia 4**  
**34121 - TRIESTE**

The undersigned ..... born on ..... in  
..... as ..... of (company name)  
..... based in  
..... fiscal code no... ..... VAT no.  
..... hereby

### APPLIES FOR

participation in the present tender procedure:

**as a single company.**

**Or**

**as a group leader** of a temporary association, a consortium or a EEIG of a:

horizontal

vertical

mixed

type **already established** with the following companies:

.....  
.....  
.....

**or**

**as a group leader** of a temporary association, a consortium or a EEIG of a:

horizontal

vertical

mixed

type **to be established** with the following companies:

.....  
.....  
.....

**or**

**as a representative** of a temporary association, a consortium or a EEIG of a:

horizontal

vertical

mixed

type **already established** with the following companies:

.....  
.....  
.....

**Or**

**as a representative** of a temporary association, a consortium or a EEIG of a:

horizontal

vertical

mixed

type **to be established** with the following companies:

.....  
.....  
.....

Moreover, the undersigned – in line with Art.46 and 47 of Decree of the President of the Republic 445 of 28th December 2000 – fully aware of the criminal sanctions envisaged by Art. 76 of the same Decree 445/2000 for false, fraudulent statements

**DECLARES**

a) that he has not sought or has not been placed in bankruptcy, compulsory liquidation or has no agreement with creditors, without prejudice to the case referred to in Art.186 a of Royal Decree 267 of 16<sup>th</sup> March 1942, and that there are no legal proceedings underway concerning one of the above-mentioned situations;

\*\*\*\*\*

b) (The declaration needs to be made by all parties referred to at b), c) and m-b) of Art. 38 of Law Decree 163/2006 Attorneys General or special agents and representatives in conformity to what is illustrated in the “Annex III” form) that there are no pending proceedings against him concerning the application of one of the preventive measures referred to in Art.3 of Act 1423 of 27<sup>th</sup> December 1956 or one of the prohibitive conditions envisaged by Art.10 of Act 575 of 31<sup>st</sup> May 1965 (now Art. 6 and 67 of Law Decree 159/2011);

\*\*\*\*\*

(The declaration needs to be made by all parties referred to at b), c) and m-b) of Art. 38 of Law Decree 163/2006, including Attorneys General or special agents and representatives in conformity to what is illustrated in the “Annex III” form);

**(please tick the most suitable option)**

c) that no adverse decision that has become res iudicata has been reached against him, that he has not been convicted of a criminal offence, that there is no judgement imposing the requested sanction in line with Art. 444 of the code of criminal procedure, for serious crimes committed against the State or the Community impacting professional morality; moreover, that no adverse decision that has become res iudicata has been reached against him – for one or more crimes of criminal association, corruption, fraud, recycling, as defined by the Community acts referred to in Art. 45, paragraph 1, EC Directive 2004/18;

**or**

c) against him: .....

(All convictions shall be reported, including those for which the bidder has the right to disclose them. The bidder is not called upon to report on convictions for decriminalized offences, namely when the statute of limitation has run out on offences after conviction itself. The bidder is not called upon to report on revoked charges or charges involving rehabilitation);

\*\*\*\*\*

**(please tick the most suitable option)**

d) that representatives, technical managers or people with the power to bind the company were still in office in the year before the publication of call for tender, as specified by Art. 38, subparagraph 1, c) of Law Decree 163/2006;

**or**

d) that representatives, technical managers or people with the power to bind the company were no longer in office in the year before the publication of the tender, as specified by Art. 38, subparagraph 1, c) of Law Decree 163/2006, as specified below

.....  
.....  
.....

(surname, name, date and place of birth, position within the company, date of cessation)

that against any of the people no longer in office and mentioned below  
.....

no adverse decision that has become res iudicata has been reached, that they have not been convicted of a criminal offence, that there is no judgement imposing the requested sanction in line with Art. 444 of the code of criminal procedure, for serious crimes committed against the State or the Community impacting professional morality; moreover, that no adverse decision that has become res iudicata has been reached – for one or more crimes of criminal association, corruption, fraud, recycling, as defined by the Community acts referred to in Art. 45, paragraph 1, EC Directive 2004/18;

**or**

that against any of the people no longer in office and mentioned below  
.....

an unenforceable decision that has become res iudicata has been reached or they have been convicted of a criminal offence, that there is a judgement imposing the requested sanction in line with Art. 444 of the code of criminal procedure, for serious crimes committed against the State or the Community impacting professional morality. The company shall prove that they fully and effectively distance themselves from a conduct subject to criminal penalties through:.....

that against any of the people no longer in office and mentioned below  
.....

an enforceable decision that has become res iudicata has been reached, for one or more crimes of criminal association, corruption, fraud, recycling, as defined by the Community acts referred to in Art. 45, paragraph 1, EC Directive 2004/18. The company shall prove that it fully and effectively deplores a conduct subject to criminal penalties through:

.....

*(All convictions shall be reported, including those for which the bidder has the right to disclose them. The bidder is not called upon to report on convictions for decriminalized offences, namely when the statute of limitation has run out on offences after conviction itself. The bidder is not called upon to report on revoked charges or charges involving rehabilitation);*

\*\*\*\*\*

**e)** that he has not violated the ban on fiduciary entrustment envisaged by Art. 17 of Act 55 of 19<sup>th</sup> March 1990

\*\*\*\*\*

**f)** that he has not committed any duly ascertained serious infractions of security standards or any other obligation related to business relationships and originating from the data stored by the Observatory;

\*\*\*\*\*

**g)** that neither a grossly negligent behaviour or bad faith have been ascertained with regard to the performance of the activities entrusted to him by the contracting authority responsible for the invitation to tender; and that he has made no serious mistake in the performance of the activities entrusted to him – the error may be detected by any means whatsoever by the contracting authority;

\*\*\*\*\*

**h)** that he has not committed any duly ascertained serious infractions of the obligations related to the payment of taxes and levies, according to the Italian legislation or the legislation of the country of establishment of the economic operator;

\*\*\*\*\*

**i)** that – in line with subparagraph 1b of Art.38 of Law Decree 163/2006 - he has not been registered in the criminal register for false statements or documentation related to relevant conditions and requirements for the participation in tender procedures and for the award of subcontracts, in line with Art.7, subparagraph 10;

\*\*\*\*\*

**j)** that he has not committed any duly ascertained serious infractions of the provisions related to social security and welfare contributions, according to the Italian legislation or the legislation of the country of establishment of the economic operator;

\*\*\*\*\*

**(please tick the most suitable option)**

**k)** the bidder is not subject to the obligations pertaining to compulsory employment envisaged by Act 68/99 (the company has up to 15 employees or from 15 to 35 employees where no one has been employed after 18<sup>th</sup> January 2000)

**Oppure**

**k)** the bidder is subject to the obligations pertaining to compulsory employment envisaged by Act 68/99 (the company has more than 35 employees or from 15 to 35 employees where at least one person has been employed after 18<sup>th</sup> January 2000);

\*\*\*\*\*

**l)** that – in line with Art. 9, subparagraph 2 c) of Law Decree 231 of 8th June 2001 – no ban or any other prohibition to enter into contracts with the public administration including the bans referred to in Art. 14 of Law Decree 81 of 9<sup>th</sup> April 2008 – has been imposed on the company;

\*\*\*\*

**m)** that – in line with Art 40, subparagraph 9c of Law Decree 163/2006 – the economic operator has not been registered in the criminal register referred to Art. 7, subparagraph of the above-mentioned Decree for false statements or documentation made or submitted to obtain a ‘SOA’ quality assurance certification;

\*\*\*\*

**n)** (The declaration needs to be made by all parties referred to at b), c) and m-b) of Art. 38 of Law Decree 163/2006 Attorneys General or special agents and representatives in conformity to what is illustrated in the “Annex 2” form) that the bidder does not fall into the scope of the exemption referred to in Art. 38, subparagraph I, m-b of Law Decree 163/2006;

\*\*\*\*

**(please tick the most suitable option)**

**o)** in line with Art. 38, subparagraph I, m-c, that the bidder is not in a position of control pursuant to Art. 2359 of the Civil Code, and to have made an independent bid;

**Or**

**o)** in line with Art. 38, subparagraph I, m-c, that the bidder is not aware of the involvement in the present tender procedure of any economic operators who are in a position of control (parent company) in line with Art. 2359 of the Civil Code and to have made an independent bid;

**Or**

**o)** in line with Art. 38, subparagraph I, m-c, that the bidder is aware of the involvement in the present tender procedure of at least one economic operator who is in a position of control, and to have made an independent bid;

\*\*\*\*

**p)** that there is no precautionary ban namely a temporary prohibition to enter into contracts with the public administration envisaged by other legal and regulatory provisions;

\*\*\*\*

**(please tick the most suitable option)**

**q)** that the company has not resorted to any individual disclosure plans referred to in Art. 1 a, subparagraph 14 of Act 383/2001 and subsequent amendments and supplements thereto;

*Or*

**q)** that the company has resorted to individual disclosure plans referred to in Art. 1 a, subparagraph 14 of Act 383/2001 and subsequent amendments and supplements thereto, but the disclosure period has come to an end before the closing date for the submission of the tender bid;

\*\*\*\*\*

**r)** that the company is registered in the company register of the Chamber of Commerce, Industry, Handicraft and Agriculture of the province of ..... to pursue the following activities

.....

and that registration data are as follows (for economic operators established in countries different from Italy, former Art. 47 of Law Decree 163/2006, state registration data or the Official List of one’s own country):

- registration number .....
- registration date .....
- company duration/termination date .....
- legal form .....
- fiscal code ..... VAT No .....
- activity code: .....

- Proprietors of sole proprietors/traders, partners of general partnerships, general partners of limited partnerships, executive officers with power of representation, sole partners (physical persons), majority shareholders of other types of companies or consortiums with up to four partners each, technical directors, including Attorneys General, agents and representatives (*state names, qualifications, birth dates and places*):

.....  
.....  
.....

\*\*\*\*\*

**s)** for all communication related to the present tender procedure, the bidder provides the following elected domicile..... (....) Address ..... no. .... postcode ..... Fax no. .... Codified e-mail ..... and authorizes the contracting authority to use the above-mentioned fax no;

\*\*\*\*\*

**t)** (association or consortium or EEIG still to be established) that – in case the contract is awarded to the bidder - he will be conferred a special mandate with power of representation o group leader functions within the company..... and that he commits himself to comply with the current legislation on the matter of public procurements related to temporary associations, consortiums or EEIGs – in case the contract is awarded to him. The bidder hereby declares that the participating share in the grouping amounts to:..... Moreover, the bidder is fully aware that any change in the composition of temporary associations and of consortiums referred to in Art. 34, paragraph l d), e) f) and f-a) of Law Decree 163/2006 and subsequent amendments and supplements thereto, compared to the composition resulting from the commitment undertaken on submission of the tender bid;

\*\*\*\*\*

**u)** that the bidder is fully aware – pursuant to and by effect of Art. 13 of Law Decree 196/03 – that collected data shall be dealt with – by means of IT tools – only for the purposes of the tender procedure for which the present statement is made.

\*\*\*\*\*

**v)** that the bidder possesses all the necessary special requirements envisaged by Art. 41 and 42 of Law Decree 163/2006 and subsequent amendments and supplements thereto as specified below:

- a) Total turnover in the last five years with regard to activities related to services of strategic, operational and financial consulting in the areas of urban and territorial development at national and international level and in the implementation of complex real estate valorization projects, for an overall amount of at least € 1,000,000.00 (one million/00 Euros);
- b) Total turnover in the last five years with regard to assignments similar to the one referred to in the present procedure (consulting in complex urban makeover and/or valorization projects related to surface areas of 200,000 square metres or more), for an overall amount of at least € 850,000.00 (eight hundred and fifty thousand/00 Euros);
- c) Implementation of at least 2 projects of urban makeover and/or valorization related to areas of at least 200,000 square metres each in the last five years;

d) Proven capacity (through submission of a résumé and a human resources work plan) to organize and activate – during the performance of the assigned tasks - a multi-disciplinary team with the necessary professional skills to carry out the following activities:

- o Strategic planning
- o Spatial planning
- o Analysis of local, national and international real estate markets;
- o Analysis and monitoring of and consulting on real estate and territorial impact assessment
- o Provision of data on values, features and economic and social trends of real estate markets
- o Analysis of outstanding needs and of the socio-economic context
- o Analysis and assessment of development and sustainability policies
- o Strategic and operational consulting for public/private partnerships, demographic/statistical consulting, real estate, logistical and financial consulting;
- o Assessment of costs and of makeover/renovation timeline

e) Availability of an organizational structure with an international network and at least one branch office or one dedicated contact person in Italy.

\*\*\*\*\*

**ii) (optional)** that the bidder holds a valid certification of the quality system (Art. 75 subparagraph 7 of Law Decree 163/2006) issued by the following accredited certifier ..... for ..... Expiry date .....

**SIGNED**

**Please Note**

- Application and statement need to be accompanied by a non-certified copy of a valid ID card of the undersigned.
- A statement featuring all the personal data of the bidder replaces the above-mentioned documentation where the bidder is not a company.
- The omission of one or more of the required statements is only possible when statements are not referable to the nature of the bidder.

## Annex I/I

Trieste, November 2015

**SUBJECT:** Exploratory market research designed to acquire candidates for an invitation to tender by negotiated procedure (Art. 125, subparagraphs 10 and 11 of Law Decree no. 163/2006 and subsequent amendments and supplements thereto) and to identify the economic operator to be entrusted with the laying out of the guidelines for the drawing up of a strategic plan for the enhancement of area of the Old Port of Trieste. Contract starting price € 170,000.00 + VAT to the extent allowed by law. Category 8 research and development services paragraphs from 73000000-2 to 73436000-7.CIG (Procedure Identification Code): .....

### **SELF-CERTIFICATION TO BE MADE BY ALL PARTIES REFERRED TO AT B), C) AND M-B) OF SUBPARAGRAPH I OF ART. 38 OF LAW DECREE 163/2006 INCLUDING ATTORNEYS GENERAL, SPECIAL AGENTS AND REPRESENTATIVES**

**To:  
MUNICIPALITY OF TRIESTE  
Strategic Projects, Tenders, Contracts  
and General Affairs Service  
Piazza dell'Unità d'Italia 4  
34121 - TRIESTE**

The undersigned ..... born on ..... in ..... as ..... (Proprietor of sole proprietor/trader, partner of a general partnership, general partner of a limited partnership, executive officer with power of representation, sole partner (physical person), majority shareholder of other types of companies or consortiums with up to four partners each, technical director, Attorney General, representative, agent) of the following company ..... based in ..... fiscal code no..... VAT no. ...., fully aware of the criminal sanctions for false, fraudulent acts and statements envisaged by Art. 76 of the Decree of the President of the Republic 445 of 28<sup>th</sup> December 2000 and subsequent modifications,

#### **DECLARES IN LINE WITH ART. 46 AND 47 OF DECREE NO. 445/2000:**

- that the provisions envisaged by Art. 38, paragraph 1, b) , c) and m-b) of Law Decree 163/2006 do not apply to him, and more precisely:
  - b)** that there are no pending proceedings against him concerning the application of one of the preventive measures referred to in Art. 3 of Act 1423 of 27<sup>th</sup> December 1956 or one of the prohibitive conditions envisaged by Art.10 of Act 575 of 31<sup>st</sup> May 1965 (now Art. 6 and 67 of Law Decree 159/2011);



c) - that no adverse decision that has become res iudicata has been reached against him, that he has not been convicted of a criminal offence, that there is no judgement imposing the requested sanction in line with Art. 444 of the code of criminal procedure, for serious crimes committed against the State or the Community impacting professional morality; moreover, that no adverse decision that has become res iudicata has been reached against him – for one or more crimes of criminal association, corruption, fraud, recycling, as defined by the Community acts referred to in Art. 45, paragraph 1, EC Directive 2004/18;

- that against him: .....(All convictions shall be reported, including those for which the bidder has the right to disclose them. The bidder is not called upon to report on convictions for decriminalized offences, namely when the statute of limitation has run out on offences after conviction itself. The bidder is not called upon to report on revoked charges or charges involving rehabilitation);

**m-b)**

- that he has not been subject to the aggravated offences envisaged and punished by Art. 317 and 629 of the criminal code, in line with Art. 7 of Law Decree 152 of 13<sup>th</sup> May 1991, amended by Act 203 of 12<sup>th</sup> July 1991, or he has been subject to the offenses and has reported the events to the judicial authorities

**or**

- that he has been subject to the aggravated offences envisaged and punished by Art. 317 and 629 of the criminal code, in line with Art. 7 of Law Decree 152 of 13<sup>th</sup> May 1991, amended by Act 203 of 12<sup>th</sup> July 1991, but has not reported the events to the judicial authorities, since the conditions envisaged by Art.4, first subparagraph of Act 689 of 24<sup>th</sup> November 1981 apply;

**SIGNED**

.....

**Please note**

- Application and statement need to be accompanied by a non-certified copy of a valid ID card of the undersigned.
- A statement featuring all the personal data of the bidder replaces the above-mentioned documentation where the bidder is not a company.