

Annex A3

Open procedure with the application of the criterion of the most economically advantageous offer identified on the basis of the best value for money, pursuant to art. 71 and 108 paragraph 1 of Legislative Decree no. 36/2023 as amended, concerning the supply of an "Automated mRNA Production System at scale suitable for drug discovery and preclinical development with Critical Reagent Supply and Processing System".

SUPPLEMENTARY DECLARATIONS: Substitute declarations pursuant to articles 46 and 47 of Presidential Decree 445/2000 and subsequent amendments (to be signed by the subjects indicated in note 1 of this form).

The undersigned _____ born _____ on
_____ resident in _____ at _____ street
_____ no. _____, domiciled in _____ (fill
in if different from residence), at street _____, as
_____ of the Company (name/company
name) _____ aware of the criminal
sanctions provided for the hypothesis of falsity in deeds and false declarations, as well as the
forfeiture of any benefits obtained as a result of the measure issued on the basis of the untruthful
declaration (Articles 75 and 76 of Presidential Decree 445/2000) under their own responsibility

DECLARES (see note 2):

a)

- ☐ **a.1)** that the conditions referred to in art. 94, paragraph 1, of Legislative Decree 36/2023 art. 53, paragraph 16 ter, of Legislative Decree 165/2001 as amended;

or (see note A)

- ☐ **a.2)** to have suffered the following criminal convictions (including those for which he has benefited from the non-mention):

b) with regard to art. 94, paragraph 2, Legislative Decree 36/2023 as amended:

☐ **b.1)** that, in his regard, there is no cause for forfeiture or suspension or prohibition referred to in art. 67 of Legislative Decree 159/2011 and subsequent amendments or an attempt at mafia infiltration referred to in art. 84, paragraph 4, of the same decree (without prejudice to the provisions of articles 88, paragraph 4-bis, and 92, paragraphs 2 and 3, of Legislative Decree 159/2011, with reference respectively to anti-mafia communications and anti-mafia information);

or (see note A)

☐ **b.2)** that there are the following causes of forfeiture or suspension or prohibition against him/her pursuant to art. 67 of Legislative Decree 159/2011 and subsequent amendments or an attempt at mafia infiltration referred to in art. 84, paragraph 4, of the same decree (without prejudice to the provisions of articles 88, paragraph 4-bis, and 92, paragraphs 2 and 3, of Legislative Decree 159/2011, with reference respectively to anti-mafia communications and anti-mafia information):

Date_-----

SIGNATURE

They claim to be in formats of the following:

Information pursuant to art. 13 of Regulation (EU) 679/2016 laying down rules on the processing of personal data.

The data collected with this form are processed for the purposes of the procedure for which they are issued and will be used exclusively for this purpose and in any case within the institutional activities of the University of Naples Federico II. The Data Controller is the University, in the persons of the Rector and the Director General, in relation to their specific skills. Exclusively for problems relating to processing that does not comply with your personal data, you can contact the Data Controller by sending an email to the following address: ateneo@pec.unina.it; or to the Data Protection Officer: rpd@unina.it; PEC: rpd@pec.unina.it. For any other request relating to the procedure in question, it is possible to send a certified email to contabilita.dip.farmacia@unina.it. The data subjects are entitled to the rights referred

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Legend:

Note A) Tick one of the hypotheses considered.

Note (1) The declarations referred to in this form must be produced by the following subjects:

- The owner and the technical director, if they are sole proprietorships;
- the partners and the technical director, if it is a general partnership;
- the general partners and the technical director, if it is a limited partnership;
- the members of the Board of Directors who have been entrusted with the legal representation, including instigators and attorneys general, of the members of the bodies with management or supervisory powers in relation to whom the President of ANAC specified in the Press Release of 26/10/2016 that *"In order to allow the application of the rule in question, the indications contained therein must be interpreted with reference to the administration and control systems of the corporations governed by the Civil Code following the reform introduced by Legislative Decree no. 6/2003 and precisely:*

1) so-called system. 'traditional' (governed by Articles 2380-bis et seq. of the Italian Civil Code), divided into a 'board of directors' and a 'board of statutory auditors';

2) so-called system. 'dualistic' (governed by Articles 2409-octies et seq. of the Italian Civil Code) articulated on the 'management board' and the 'supervisory board';

3) so-called system. 'one-tier' based on the presence of a 'board of directors' and a 'management control committee' set up within it (art. 2409-sexiesdecies, para. 1, of the Italian Civil Code).

Therefore, the existence of the requirement referred to in Article 94, paragraph 1, of the Code must be verified in respect of: the members of the Board of Directors who have been granted legal representation, in companies with a traditional and one-tier management system (Chairman of the Board of Directors, Sole Director, managing directors even if they hold a proxy limited to certain activities but who confers powers of representation for such activities); members of the board of statutory auditors in companies with a traditional administration system and members of the management control committee in companies with a one-tier administration system; members of the management board and members of the supervisory board, in companies with a two-tier management system';

- subjects with powers of representation, management or control in relation to which, with a press release dated 26/10/2016, the President of ANAC specified that *"such persons who, although not members of the corporate bodies of administration and control, are endowed with powers of representation (such as instigators and attorneys ad negotia), management (such as employees or professionals who have been granted significant powers of direction and management of the company) or control (such as the auditor and the Supervisory Body referred to in Article 6 of Legislative Decree no. 231/2001 which is entrusted with the task of supervising the operation and*

compliance with the organizational and management models suitable for preventing crimes). In the event of entrusting the accounting control to an auditing firm, the verification of the possession of the requirement referred to in art. 94, paragraph 1, must not be conducted on the members of the corporate bodies of the auditing firm, since it is a legal entity distinct from the competing economic operator to which the causes of exclusion must refer'.

- the technical director or the sole shareholder who is a natural person, or the majority shareholder in the case of companies with a number of shareholders equal to or less than four, if it is another type of company or consortium;
- persons who ceased to hold the above-mentioned positions in the year prior to the date of publication of the call for tenders.

Note (2)

These declarations must be signed in compliance with the procedures set out in Article 38, paragraph 3, of Presidential Decree 445/2000, by inserting a photocopy of the signatory's identity document into the system. It should be noted that the lack of signature and/or photocopy of the signatory's document is not a cause for automatic exclusion and the competitor will be invited to remedy this irregularity within the deadline indicated by the Administration in the relevant request. If this irregularity is not remedied within the deadline indicated therein, the competitor will be excluded from the continuation of the tender.