



Comune di Bolzano
Stadtgemeinde Bozen

Public auction

Public selection procedure to determine the party commissioned to carry out the Urban Restructuring Plan (USP) in the area between Via Alto Adige, Via Perathoner, Via Stazione and Via Garibaldi pursuant to art. 55 quinquies of the Italian Provincial Law/Legge Provinciale 13/1997

APPENDIX B – Letter of intent: self-declaration pursuant to art. 46 and 47 of the Italian Presidential Decree/*Decreto del Presidente della Repubblica* 445/2000

This form must be filled in by the tenderer in person – or, in the case of a legal entity, by their legal representative –, signed on every page and submitted including a photocopy of the signatory's identification card (art. 38 of the Presidential Decree/*Decreto del Presidente della Repubblica* no. 445 of 28 December 2000).

(If you require additional space to enter your information, please add extra pages and stamp them according to how they correspond to this form.)

The signatory

Natural persons

Name and surname:

Date and place of birth:

The tenderer

Place of residence:

Phone no.:

E-mail address:

Tax identification no.:

Legal persons (clearly state your full legal form)

Title/company name:

Registered office (address):

VAT number:

Tax identification no.:

Information concerning the legal representative/signatory:

Name and surname:

Date and place of birth:

Place of residence:

Phone no.:

Tax identification no.:

E-mail address:

PEC address (Italian certified e-mail address or, in the case of economic operators registered in a different country, equivalent certified e-mail address):

Proof of authority to sign:

The undersigned natural person or the legal representative of the legal entity taking part in the present call for tenders declares to have read and understood the announcement published on 23 September 2016 ("Public auction to determine the party commissioned to carry out the Urban Restructuring Plan [USP] in the area between Via Alto Adige, Via Perathoner, Via Stazione and Via Garibaldi pursuant to art. 55 quinquies of the Italian Provincial Law/*Legge Provinciale* 13/1997") and, on behalf of the tenderer, furthermore

declares as follows,

pursuant to art. 46 and 47 of the Presidential Decree/*Decreto del Presidente della Repubblica* no. 445 of 28 December 2000 and bearing in mind that making false declarations is punishable as set forth in art. 76 of the above Presidential Decree:

that no legally binding sentence has been pronounced, no irrevocable penalty order has been issued and no plea bargaining procedures (*sentenza di applicazione della pena su richiesta* as prescribed by art. 444 of the Italian code of criminal procedure) have been initiated with regard to them for one of the following offences or crimes:

- a) attempted or committed offences or crimes referred to in art. 416 and 416 bis of the Italian criminal code, offences or crimes committed using the prescriptions contained in art. 416 bis or with the aim of aiding the activities of organisations described in art. 416 bis; attempted or committed offences or crimes as set forth in art. 74 of the Presidential Decree no. 309 of 09 October 1990, Art. 291 quater of the Presidential Decree no. 43 as of 23 January 1973 and art. 260 D.Lgs. no. 152 of 03 April 2006 referring to the participation in a criminal organisation as set forth in art. 2 of the Framework Decision 2008/841/JHA of the Council of the European Union;
- b) attempted or committed offences or crimes as set forth in art. 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 and art. 2635 of the Italian civil code;
- c) fraud as defined in art. 1 of the Convention on the protection of the European Communities' financial interests;

The tenderer

- d) attempted or committed offences or crimes with terrorist aims at national or international level, attempts to subvert the constitutional order, terrorist crimes or offences and crimes linked to terrorist activities;
- e) offences or crimes as set forth in art. 648 bis, 648 ter and 648 ter.1 of the Italian criminal code, money laundering and terrorism financing as defined in art. 1 D.Lgs. no. 109 of 22 June 2007 as amended;
- f) child labour and forms of human trafficking as set forth in D.Lgs. no. 24 of 04 March 2014, murder and personal injury (art. 575, 582 and 583) caused by a breach of the regulations safeguarding health and hygiene at the workplace;
- g) any other crimes or offences whose legal consequence is a ban from contracting with public authorities;

that there are no reasons for a forfeiture or to exclude, suspend or ban them as set forth in art. 67 D.Lgs. no. 159 of 06 September 2011 or due to attempts of criminal infiltration by the Mafia as prescribed by art. 84 para. 4 of the above D.Lgs. This shall apply without prejudice to the stipulations contained in art. 88 para. 4 bis and art. 92 para. 2 and 3 D.Lgs. no. 159 of 06 September 2011 (declarations and information to fight organised crime).

Bids shall be excluded if a sentence or decree is pronounced with regard to the owner (in the case of a businesses with sole proprietorship), a partner (in the case of a collective partnership), a general partner (in the case of a limited partnership), a member of the administrative board vested with power of authority to legally represent their company, a member of a management or supervisory body or other persons with representation, management or supervisory authority, or a natural person who is the sole or main shareholder (in companies with fewer than four shareholders), in the case of other company types or consortia. There will be no exclusion or ban if the crime or offence has been decriminalised, the person in question has been rehabilitated, the offence or crime is officially extinguished or the sentence has been revoked.

that they have not committed any serious violations, as finally ascertained, of the laws and obligations regarding social

security contributions, taxes and duties according to Italian law or to the laws of the state in which they are registered. Serious violations are offences such as the failure to pay taxes and contributions amounting to more than the figure established in art. 48 bis, para. 1 and 2 bis of the Presidential Decree no. 602 of 29 September 1973. Finally ascertained violations are offences contained in sentences or administrative measures against which an appeal can no longer be lodged. Serious violations of the laws and obligations regarding social security contributions are all actions which impede the issuance of a document certifying the correct payment of all owed contributions (*documento unico di regolarità contributiva/DURC*) as prescribed by art. 8 of the Decree of the Labour and Social Policies Ministry/*Decreto del Ministero del Lavoro e delle Politiche Sociali* of 30 January 2015, published in no. 125 of the Official Journal/*Gazzetta Ufficiale* on 01 June 2015.

that they are not bankrupt or being wound up, have not entered into an arrangement with creditors and are not the subject of any such proceedings.

First and foremost, the undersigned declares:

that there are no reasons for a forfeiture or to exclude, suspend or ban them as set forth in art. 67 D.Lgs. no. 159 of 06 September 2011;

that they have not committed any serious violations, as finally ascertained, of the laws and obligations regarding social security contributions, taxes and duties according to Italian law or to the laws of the state in which they are registered;

that the legal entity taking part in the open call for tenders is listed in the company register of the chamber of commerce of with regard to the activities described below, or in a trade register of their place of residence (for bidding consortia, all present or prospective members must be listed in the company register) with the following details:

Business purpose:

The tenderer

No. of registration:

Date of registration:

Legal form:

The undersigned furthermore declares:

Please note: KHB S.r.l./GmbH has submitted the project and signed the framework agreement and the URP upon which the public auction procedure object of the present open call for tenders is based and shall not be required to provide proof of compliance with the financial requirements listed below.

that they have sufficient, adequate and solid financial means to meet the obligations contained in the framework agreement and in the URP, and that they can provide proof of the following:

a minimum total turnover of EUR 60,000,000.00 generated in the past five years; taxpayers required to produce a balance sheet must submit their annual financial statements, while economic operators who are not subject to the production and approval of a balance sheet must submit their annual tax declarations;

bank references issued by a minimum of two credit institutions stating the economic operator's balance and credit line;

limited liability companies: a fully paid-up share capital of no less than EUR 1,000,000.00.

The tenderer

Proof of compliance with the requirements must be provided by means of documents and certificates which confirm the information contained in the self-declaration.

Where no such document or certificate is issued in the country of origin or provenance, a sworn or, failing that, a solemn statement made by the interested party before a judicial or administrative authority, a notary or a qualified professional body in their country of origin or provenance will be considered sufficient proof.

that they, without any reservation whatsoever, accept all requirements, terms and conditions contained in the announcement published on 17 October 2016 ("Public auction to determine the party commissioned to carry out the Urban Restructuring Plan [USP] in the area between Via Alto Adige, Via Perathoner, Via Stazione and Via Garibaldi pursuant to art. 55 quinquies of the Italian Provincial Law/Legge Provinciale 13/1997"), particularly with regard to the appeals lodged with the Bolzano/Bozen Regional Administrative Court related to the procedure listed on page 3, and shall sign every page, design, report and appendix which form part of the framework agreement, together with all appendices listed as Appendix A of the tender documents; this shall apply to all participants with the sole exception of KHB S.r.l./GmbH;

that they have inspected the real estate which is owned by the City of Bolzano/Bozen and required to carry out the USP as set forth in Appendix C ("Inspection of the area designated for the URP") and that they are aware of any local circumstances as well as any general and particular conditions which may have an impact on the bid;

that in order to take part in the selection procedure, they shall have to provide all guarantees required for the tender;

that for all communication and notifications regarding the procedure, the designated address for service is as follows:

Town/City:

(Province)

Country:

Address:

Post code:

Phone:

Fax:

E-mail address:

PEC address (Italian certified e-mail address or, in the case of economic operators registered in a different country, equivalent certified e-mail address):

The undersigned furthermore agrees to the processing of their data pursuant to D.Lgs. 196 of 30 June 2003 (Data Privacy Protection Act) for the purposes of meeting the requirements of the present selection procedure;

Bidding consortia (companies, associations etc.): All entities which are members of a bidding consortium must sign this declaration; moreover, all members must, beforehand and by means of a certified private deed, nominate an agent as their legal representative and explicitly confer to them a special collective mandate with full authority to represent.

The tenderer

The agent shall exclusively be in charge of representing their mandators before any court and in dealing with the City of Bolzano/Bozen with regard to all documents, deeds and operations relating to the contract up until the termination of the legal relationship.

For bidding consortia founded after the tender deadline, all prospective members must sign this declaration; furthermore, all legal entities must submit a **formal letter of commitment** containing a declaration by every prospective member that if they are awarded the contract they will nominate one member as their agent and subsequently confer to them a special collective mandate with full authority to represent.

A formal letter of commitment to found a bidding consortium must be filled in as set forth in Appendix B1 ("Letter of commitment to found a bidding consortium") and submitted in envelope 1 ("Administrative documentation and deposits).

Please note: Prior to closing the contract, the City of Bolzano/Bozen will ex officio require the following documents:

a) a certificate clearing the successful tenderer of any involvement in organised crime (anti-mafia certificate pursuant to art. 7 of the Italian Act/*Legge* no. 55 of 19 March 1990 and D.Lgs. 490 of 08 August 1994 as amended from time to time);

b) proof that the tenderer is listed in the chamber of commerce company register including the following details:

- the company register entry;
- the name of both the Director and their legal representative including their powers of authority;
- a declaration that the company/economic operator can exercise their rights fully and freely and is not subject to any bankruptcy proceedings;

c) a recent extract from the legal representatives' judicial records (issued no earlier than within the six months preceding the open call for tenders);

If the successful tenderer is a limited company, its legal representative must, prior to the closing of the contract, submit a declaration as set forth in art. 1 of the Decree of the President of the Council of Ministers/*Decreto del Presidente del Consiglio dei Ministri* no. 187 of 11 May 1991 (company composition and shares).

Required appendices:

- 1) a non-certified photocopy of the signatory's valid identification card
- 2) proof of authority to represent (original or facsimile)
- 3) appendix B1 ("Letter of commitment to found a bidding consortium")

Please note: This document was written in Italian and German and subsequently translated into English. In case of any discrepancy between the texts, the Italian version shall prevail at all times.