

Annex 5

REQUIREMENTS FOR DIRECT NEGOTIATION UNDER THE EUROPEAN UNION THRESHOLD OF EURO 40,000.00

Vendor must enter all information operator (unless differently stated)

PART I PROCUREMENT PROCEDURE AND BUYER INFORMATION

Buyer	Answer:
Name:	<i>ITA - Italian Trade Agency, 12424 Wilshire Blvd., Suite 1400, Los Angeles, 90025, (CA)</i>
Title or short procurement description:	LEASING OF DISPLAY STRUCTURES - FURNITURE AND OTHER RELATED SERVICES FOR THE ITALIAN PAVILION AT GDC 2024 - 20-22 MARCH 2024 – SAN FRANCISCO (CA)
CIG	N/A

PART II: VENDOR INFORMATION

A. Identification data of the economic operator	Answer:
Name:	[.....]
Tax ID	[.....]
Mailing Address:	[.....]
Contact Person:	[.....]
Telephone Number:	[.....]
E-mail:	[.....]
(website) (if any):	[.....]

B. Vendor Agent:	Answer:
Full name:	[.....]
Place and Date of Birth:	[.....]
Working position/ Title:	[.....]
Mailing Address:	[.....]
Telephone Number:	[.....]
E-mail:	[.....]
If necessary, provide details on representation (form, limits, purpose):	[.....]

PART III: REASONS OF EXCLUSION

A: Reasons of exclusion due to criminal convictions

Vendors who have been convicted before a federal or state criminal court (in Italy or in the US) and for the following crimes, will be excluded from participation in the bid selection: (1) criminal conspiracy; (2) bribery; (3) fraud; (4) crimes related to terrorist activities; (5) money laundering or terrorism financing; (6) child labor and other forms of human trafficking; (7) any other crime that carries the sanction to forbid the individual from deal with public (federal, state or local) entities. Relevant reasons of exclusion are those regulated under Italian law, as well as:

- in the EU Member States, the factual circumstances described under Article 57 of Directive 2014/24/ EU;

- in non-EU countries, the factual equivalent circumstances regulated under local criminal law.

Vendor or a member of its management or audit board or anyone with agency or authority has not been convicted for one of the above-mentioned crimes with a final judgment in the last five years or after which an exclusion period is still applicable.

B: Reasons of exclusion due to payment of taxes or social security contributions

Vendor has met all obligations related to payment of taxes, fees or social security contributions, in the country where it is operating, in Italy and in the country where the contract is awarded and/or performed.

C: Reasons due to insolvency, conflict of interests or professional offenses

1) Vendor did not breach any of the following laws: health and safety; environmental; employment law

2) Vendor currently is not under:

a) Bankruptcy, insolvency proceedings, liquidation, receivership and any other similar proceedings;

b) Has ceased its business activities

3) Vendor has not been condemned to gross professional misconduct;

4) Vendor has not entered into agreements with other vendors to influence competition;

5) Vendor is not aware of any conflict of interest related to its participation to the procurement procedure;

6) Vendor or any affiliated entity did not provide advice to the Buyer or have otherwise participated in the preparation of the bidding procedure;

7) Vendor has not been terminated in a previous public tender or has not been ordered to pay damages or other penalties in relation to a previous public contract;

8) Vendor declares that:

a) It was not condemned for gross misrepresentation in providing the required information in order to verify the absence of grounds for exclusion or compliance with the bidding criteria,

b) It did not conceal this information,

c) It did promptly transmit the additional documents requested by the Buyer,

d) It did not attempt to influence the decision-making process of the Buyer; it did not attempt to obtain confidential information that may confer unfair advantages in the procurement procedure; it did not provide misleading information that may have a significant influence on the decisions process.

D: Reasons for exclusion provided for by Italian legislation and equivalent situations provided for by the law of the country where the contract is carried out

Vendor is not in one of the following circumstances:

1) Revocation, suspension or prohibition under anti-mafia laws

2) It is not at risk of infiltration by criminal organizations.

3) It has not been banned from its business activity or has been subject to sanction involving

prohibition to contract with the public administration;

- 4) Vendor is registered with the Registry held by the National Anti-Corruption Authority for having submitted false statements in order to obtain a certificate;
- 5) Vendor has not violated the prohibition of registration through a fiduciary;
- 6) Vendor does comply with employment law for individuals with disabilities;
- 7) If Vendor was a victim of crimes of bribing and extortion committed by criminal organizations or any facilitators (and this is not a self-defense claim), Vendor did report the events to the prosecuting authorities;
- 8) Vendor does not control any another participant in the same bidding procedure because of the way the decisions are adopted;
- 9) Vendor did not enter into employment agreement and, in any case, vendor has not assigned tasks to former employees of the buyer who have ceased to work for the buyer in the last 3 years and who were managers with negotiating contracting authority on behalf of the Buyer with respect to the same vendor (*pantouflage or revolving door*)

PART IV: SELECTION CRITERIA

Vendor complies with all the selection criteria required in the documentation relevant for the selection process.

Part V: FINAL STATEMENTS

The undersigned hereby state that the information contained in parts II to IV of this document is true and correct and that the undersigned is aware of the civil and criminal consequences in case of false statement and perjury under Italian law and US law.

The undersigned hereby certifies the absence of grounds for exclusion provided in Part III and that the undersigned holds the requirements set out in Part IV.

The undersigned authorizes the Buyer, indicated in part I, to perform the background check with the competent authorities on the veracity of the statements hereby issued.

The undersigned provides irrevocable consent and accepts without conditions and/or exceptions the terms and conditions contained in the bid invitation letter and in Attachments 1 and 2 to the same letter, which are an integral part thereof

[Place and date]

[name, last name and title of signatory/signatories]

(ATTACH COPY OF ID OF EACH SIGNATORY) - (Sign before a Notary Public)

State of _____

County of _____

I, the undersigned Notary Public in the State of _____, duly commissioned and qualified, do hereby certify that _____ appeared and signed this instrument before me today and I have verified his identity after having examined his passports.

IN WITNESS WHEREOF I have hereunto set my hand and affixing the seal of the Notary Public, of the State Of _____, this _____ day of _____, 2024

Seal and Signature of Notary Public

STATEMENT ON INDIVIDUALS DATA PROTECTION
As per Regulation (EU) 2016/679, art. 13

The processing of personal data is based on the principles of lawfulness, fairness and transparency to protect the fundamental rights and freedoms of individuals. To this end, the following information is provided:

1. The data holder is ICE – Italian Trade Agency (hereinafter only ICE) which operates through the Office of Los Angeles, Av. of The Stars, 1900, Los Angeles, CA, 90067 - email: losangeles@ice.it, tel. (0323) 879-0950
2. ICE appointed an individual responsible for the protection of personal data that, for customer purposes, can be contacted at the following addresses: ICE – Italian Trade Agency - Via Liszt, 21 - 00144 Rome; e-mail: privacy@ice.it.
3. Personal data are necessary for the vendor selection and awarding process.
4. The transfer of data is mandatory under Italian law and any refusal to provide the requested data will result in exclusion from the selection procedure or the awarding.
5. Data management will be carried out manually or electronically by internal personnel.
6. The data will be transferred to internal and external auditing bodies of ICE. By signing this document, vendor provides consent to the transfer of the aforementioned data also to the competent local authorities for their verification and for the publication of the essential elements of the contract stipulated on the buyer's website in accordance under Italian law on the transparency of Italian public contracts.
7. Data shall be kept for a minimum period of 5 years from the moment when the contractual relationship ends due to completion of performance or for any other reason, including termination due to non-compliance. This term may be suspended in the event of a lawsuit.
8. Each vendor may obtain access to its data and apply for amendments. In these cases, vendor must submit a request to the addresses indicated in section 1, sharing such application with ICE data protection manager at the addresses indicated in section 2.
9. If you believe your rights have been violated, you can file a complaint with ICE Data Protection Officer. Alternatively, you can contact the Guarantor for the Protection of Personal Data (Piazza di Monte Citorio 121, 00186 Rome, phone 0039 06 696771 (switchboard), e-mail: garante@gpdp.it, pec: protocollo@pec.gpdp.it) or to the judicial authority.

[Date]

Signature of the interested party for acknowledgment and acceptance

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