

**ANNEX FOR DIRECT NEGOTIATION BELOW THE THRESHOLD OF EURO 40,000.00**

**MANDATORY REQUIREMENTS**

**PART I: INFORMATION ABOUT THE NEGOTIATION AND THE CLIENT**

<b>Client's identity</b>	<b>Answer:</b>
Name:	<b>ITALIAN TRADE AGENCY/ITALIAN TRADE COMMISSION</b>
Title or brief description of the Contract:	<b>MARKET ANALYSIS ON ENERGY INDUSTRY AND TECHNOLOGY IN AUSTRALIA</b>
CIG / Contract's identification Number	<b>Z5B3B30886</b>

**PART II: INFORMATION ON THE ECONOMIC OPERATOR**

<b>A. Details of the Economic Operator</b>	<b>Answer:</b>
Name of Organisation:	
National identification number, if required (ACN, ABN, etc.)	
Postal Address:	
Contact Person: Telephone Number: E-mail: website:	

<b>B. Economic Operator's Agent (if any):</b>	<b>Answer:</b>
Full name:	[.....]
Place and Date of Birth:	[.....]
Position/ Role:	[.....]
Registered Address / Postal Address	[.....]
Telephone Number:	[.....]
E-mail:	[.....]
Details on Agency agreement or power to represent the Economic Operator (form, limits, purpose):	[.....]

## **PART III: GROUNDS FOR EXCLUSION**

### **A: Grounds for exclusion: criminal convictions**

Those who have been convicted before a federal or state criminal court (in Italy or in Australia) and for the following crimes, will be excluded from participation to the negotiation: (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 entities (at a federal, state or local level). Relevant reasons for 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 equivalent circumstances regulated under local criminal law.

The Economic Operator or a member of its management or audit teams or anyone with agency or control power has not been convicted for one of the above-mentioned crimes with a final judgment in the last five years or after which a period of exclusion set out in the judgement is still applicable.

### **B: Grounds for exclusion related to tax liabilities, employer duties or entitlements**

The Economic Operator has fulfilled all of its obligations relating to the payment of taxes, employer duties or entitlements in Italy, in the Country where it is established, and in the Country where the contract is being performed.

### **C: Grounds for exclusion related to insolvency, conflict of interests or professional misconduct**

The Economic Operator declares that:

- 1) to the best of its knowledge, has not breached any of the following laws: health and safety; environmental; employment law;
- 2) is currently not under, or is not subject to proceedings to ascertain any of the following situations:
  - a) bankruptcy, insolvency, liquidation, receivership and any other similar proceedings;
  - b) has ceased its business activities;
- 3) has not been found guilty of serious professional misconduct;
- 4) has not entered into agreements with other Economic Operators to distort competition;
- 5) is not aware of any conflict of interest affecting its participation in this negotiation;
- 6) has not provided advice or otherwise has been involved in the preparation of this negotiation;
- 7) has not been early terminated for default of a previous contract or found liable for damages in connection with an earlier contract;
- 8) has not provided misleading information or false statements with respect to any grounds of exclusion stated in the selection criteria, and has not concealed information;
- 9) has been able to convey without delay any additional documents required by a Client;
- 10) has not attempted to unduly influence the decision-making process; has not attempted to obtain confidential information that may confer unfair advantages in the negotiation procedure; has not provided misleading information that could have a substantial influence on the decisions concerning this negotiation.

### **D: Grounds for exclusion under Italian law and equivalent circumstances under the laws of the country where the contract is performed**

The Economic Operator is not in one of the following circumstances:

- 1) subject to orders for revocation, suspension or prohibition under anti-mafia laws;
- 2) involved in criminal organizations;

- 3) interdicted from carrying out its business activity or subject to sanctions that involve a prohibition to contract with local and government authorities;
- 4) its name recorded by the National Anti-Corruption Authority (ANAC-Italy) for having submitted false statements or false documentation in order to obtain a certification;
- 5) breached money-laundering laws;
- 6) not complying with employment and work place laws with respect to persons with disabilities;
- 7) if victim of crimes of bribing and extortion committed by criminal organizations or any facilitators, has not reported the events to the relevant authorities;
- 8) has control or any relationship with any other participant in the same negotiation procedure;
- 9) has employed or contracted former employees of the Client who ceased their employment with the Client in the last 3 years, and who were managers with negotiating contracting authority on behalf of the Client with respect to the same Economic Operator (*pantouflage or revolving door*).

#### **PART IV: SELECTION CRITERIA**

The Economic Operator meets all the selection criteria required in the negotiation procedure.

## Part V: FINAL STATEMENTS

I declare that the information provided in parts II to IV of this document is true and correct and that I am aware of the consequences, civil and criminal, in case of false statement and perjury under Italian and Australian laws.

I hereby confirm the absence of grounds for exclusion referred to in part III and the possession of the requirements set out in part IV above.

I authorize the Client indicated in part I, to verify the veracity of the statements made about the requirements to participate to the tender with the competent authorities.

I unconditionally accept the terms and conditions contained in the Contract and in this *Annex – Mandatory Requirements for direct negotiation below the EU Threshold of euro 40,000.00*, which forms part of the same Contract.

*[Place and date]*

\_\_\_\_\_  
*[name, last name and title of signatory/signatories]*

Name of witness \_\_\_\_\_

Address of witness \_\_\_\_\_

Capacity of witness \_\_\_\_\_

And as a witness, I have confirmed the deponent's identity using the following identification document:

\_\_\_\_\_  
Identification document relied on<sup>1</sup>

Signature of witness \_\_\_\_\_

\_\_\_\_\_  
<sup>1</sup> "Identification documents" include current ID, driver licence, or passport]

## PRIVACY AND PERSONAL DATA

### *Regulation (EU) 2016/679, art. 13*

The collection and processing of personal data by the Italian Trade Agency is carried out exclusively for the purpose of its activities and institutional objectives, and it is based on the principles of lawfulness, fairness, transparency and protection of the fundamental rights and freedoms of individuals. In this regard, the following information is provided:

1. The data holder is ICE – Italian Trade Agency (hereinafter only ITA) which operates through the Office of Sydney, Level 19, 44 Market Street, Sydney NSW 2000, e-mail [sydney@ice.it](mailto:sydney@ice.it), telephone +61 2 92999954.
2. ITA has appointed a Data Protection officer who, in the event of any issue or complaint, may be contacted at the following addresses: ICE – Italian Trade Agency - Via Liszt, 21 - 00144 Rome; e-mail: [privacy@ice.it](mailto:privacy@ice.it).
3. The personal data requested by the Client are necessary for the selection of the Economic Operator and the awarding process.
4. The supply of data is mandatory under the Italian law, and any refusal to provide the information requested will result in the exclusion from the selection procedure or the awarding of the Contract.
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 ITA. By signing this document, the Economic Operator provides its consent to the release of its data to the competent local authorities for their verification, and for the publication of the essential terms of the Contract on the Client's website, in accordance with Italian laws on transparency with respect to contracts entered by Economic Operators with Italian Government Authorities.
7. Data shall be kept for a minimum period of 5 years from the date the contractual relationship ends due to completion of performance or for any other reason, including termination for default. This term may be suspended in the event of court proceedings.
8. Each Economic Operator may obtain access to its data and may apply to update them, by submitting a request to the addresses indicated at point 1 above, and informing the Data Protection Officer at the addresses indicated at point 2.
9. If you believe your rights have been violated, you may file a complaint with ITA Data Protection Officer. Alternatively, you may contact the Data Protection Guarantor (Piazza di Monte Citorio 121, 00186 Rome; phone +39 06 6967771; e-mail: [garante@gpdp.it](mailto:garante@gpdp.it)) or the judicial authority.

[Date]

Signature of the interested party for acknowledgment and acceptance

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**PLEASE ATTACH COPY OF ID OF EACH SIGNATORY**