

ANNEX A - CAUSES EXCLUDING APPLICANTS FROM ITC-JHB PROCUREMENT

A: Criminal conviction.

Applicants are excluded from Italian Trade Commission - Johannesburg (hereinafter ITC-JHB) procurement if convicted in Italy or South Africa of one or more of the following criminal offences: 1) Participation in a criminal organization; 2) Corruption; 3) Fraud; 4) Terrorism; 5) Money laundering; 6) Child labour or other forms of human exploitation; 7) Any other offence having caused the convicted applicant to be banned from public-sector procurement in his/her country.

B: Non-compliance with tax or social security legislation.

Applicants are excluded from ITC-JHB procurement if they have not complied with tax/social security legislation in their country of incorporation.

C: Insolvency, conflicts of interest or criminal offences related to professional activity.

- 1) The applicant, to his/her knowledge, has not infringed any laws/regulations protecting public health, workers' safety, environment conservation, labour and social security.
- 2) The applicant is not involved in any of the following instances and is not undergoing legal proceedings aimed at ascertaining his/her involvement in one of the following instances:
 - a) Bankruptcy, liquidation, insolvency or any similar situations.
 - b) Suspension of business.
- 3) The applicant has never been convicted of serious criminal offences related to his/her professional activity.
- 4) The applicant has not concluded any agreement with other market players aimed at distorting fair competition.
- 5) The applicant has no knowledge of any conflicts of interest regarding his/her participation in ITC-JHB procurement.
- 6) The applicant, or any company acting on his/her behalf, has not provided any consultancy to the ITC-JHB during preparation of procurement documents nor has he/she otherwise had any role whatsoever in ITC-JHB contract awarding process.
- 7) The applicant has never been subject to early cancellation of public-sector contracts nor has he/she undergone payment of penalties/damages in connection with past implementation of public-sector contracts.
- 8) The applicant confirms that he/she:
 - a) Has not submitted false information regarding the absence of causes excluding applicants from ITC-JHB procurement.
 - b) Has not hidden any such information.

- c) Has not tried to interfere with ITC-JHB decision-making regarding award of contracts, has not tried to obtain confidential information that may result in an undue advantage for him/her in the awarding process, has not provided misleading information that may significantly affect decision-making regarding award of contracts.

D: Causes for exclusion mandated by Italian law and equivalent situations in South African law, where applicable.

The applicant is not in any of the following situations:

- 1) He/she has been involved in criminal proceedings in connection with anti-mafia legislation in Italy.
- 2) His/her company has been infiltrated by criminal organizations.
- 3) His/her company has been banned from public-sector procurement in Italy or South Africa.
- 4) (Only for companies incorporated in Italy) He/she or his/her company has been black-listed by ANAC (Anti-corruption Authority of Italy) for submitting false qualification documents.
- 5) He/she complies with law regarding disabled persons' right to work.
- 6) He/she has reported to the relevant authorities any acts of extortion or exaction of money committed against him/her by any criminal organization; or, if he/she has not reported such acts, he/she has done so in self-defence.
- 7) He/she is somehow in control of the contract awarding process as opposed to other bidders.
- 8) He/she has employed or hired for specific jobs/tasks former employees of the ITC-JHB who: a) ceased employment with the said organization less than three years before the bid; b) wielded decision or negotiating power, on behalf of the ITC-JHB, regarding contracts of his/her interest during the last three years of the former employees' employment.