

**"Attachment 1"****STATEMENT OF PARTICIPATION IN THE OPEN PROCEDURE****TENDER Code: PR AND MEDIA GREAT BRITAIN****CUP Code: G82E11000030003****Tender Identification Code (CIG): 286294836D**

(1) The undersigned .....

born in ..... on.....

residing in the city of ..... (.....) State .....

address.....

in his/her quality of (legal representative) .....

of the company.....

having its legal headquarters in the city of .....(.....)

address .....

VAT number: .....

Taxpayer's Code Number: .....

Telephone number: ..... Fax number: .....

E-mail address: .....

Chosen domicile for notices and communications, in compliance with art. 79 paragraph 5 –bis and 5  
quinquies of Legislative Decree no. 163/2006: .....

.....

Fax number: .....

**DECLARES**

that it is taking part in the tender, as:

-  **a single company,**

company.....

having its legal headquarters in the city of .....(.....)

address .....

(1) Please indicate the data of the **legal representative** of the Tenderer. If the Tenderer is an **already established / not yet established temporary group of companies** (group of companies or consortium, as per former art. 2602 of the Italian Civil Code), as per what was indicated

- a **consortium** as per article 34, paragraph 1, letter b) of Legislative Decree no. 163/2006)
- a **consortium** as per article 34, paragraph 1, letter c) of Legislative Decree no. 163/2006)

in case of a consortium, the consortium, in compliance with the provisions of art. 37, paragraph 7, of Legislative Decree no. 163/2006 and art. 36, paragraph 5, of Legislative Decree no. 163/2006, participates with the following companies making up the consortium (please specify which ones):

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**or**

- **mandatory company** (head company having the major share)
- **principal company** (company having a minor share)

- of a **Temporary Group of Companies** (RTI)
- of an **Ordinary Consortium of Participants**, in compliance with art. 2602 of the Italian Civil Code

- horizontal type**

which:

- was already established before the tender** (*optional*)

**or, as an alternative:**

- is to be established after the tender**, in compliance with art. 37, paragraph 8, of Legislative Decree no. 163/06,

by the **following grouped companies:** <sup>(2)</sup>

- Company appearing as the “**mandatory**” (head company)

company.....

having its legal headquarters in the city of .....(.....)

address .....

- Company appearing as the “**principal**”:

company.....

having its legal headquarters in the city of .....(.....)

address .....

company.....

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by art. 37, paragraph 8, of Legislative Decree no. 163/06, the present declaration, under penalty of exclusion, must be presented by all legal representatives of the single companies which make up the afore-mentioned group.

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having its legal headquarters in the city of .....(.....)  
 address .....

**In case of a temporary group of companies:**

that the service parts and the percentages of the same which will be carried out by the single associated companies (former art. 37 paragraph 4 of Legislative Decree no. 163/06) will be the following:

**Indications must be in percentages (%) only.**

**IN CASE OF INDICATION OF AMOUNTS (IN EUROS), THE APPLICANT WILL BE EXCLUDED FROM THE TENDER**

COMPANY	DESCRIPTION OF THE PART OF THE SERVICE	SERVICE PERCENTAGE

- 1) that it will carry out the performance based on the previously-described division;
- 2) that it will timely produce a special contract of agency with an authenticated deed under private seal or authenticated copy of the same, if the group is awarded the tender;
- 3) that it will also produce the proxy from the public deed (or authenticated copy of the same) for the legal representative of the head company, if the group is awarded the tender;
- 4) that the group of companies has all of the requirements necessary for participation in the tender
- 5) that the single companies of the temporary group of companies will issue separate invoices, which will be paid in compliance with the amounts corresponding to the parts of the performance executed (in case of a dispute between the companies of the temporary group of companies with regards to the credits, the director of contract execution will define the amount of credits due to the single companies of the group).

The **Tenderer**, as previously represented, on the basis of what was previously specified and on the basis of the documentation attached to the bid, **is therefore qualified to take part in the tender** for the performance indicated in the object of the tender.

**AND FURTHER DECLARES**

in compliance with and to the effects of articles 46 and 47 of Presidential Decree no. 445/2000

**REPRESENTATIONS ON THE DATA OF THE PARTICIPATING COMPANY:**

**A) (hypothesis to be certified by any type of Tenderer taking part in the tender, with reference to the headquarters of the company):**

the afore-mentioned **Tenderer** has the following welfare and insurance coverage at:

the INPS site (or at ..... in case of foreign company not having a site in Italy)

(2) Indicate full data of each company which is part of the group of companies or of the consortium of companies, as per former art. 2602 of the Civil Code (name or business name, legal address, taxpayer's code number and type of company: sole proprietorship; general partnership or limited partnership; other type of company: Limited company – Share partnership company – Cooperative, etc.).

of.....(.....) Address ..... position  
no..... telephone no. .... fax no. ....;

the INAIL site (or at ..... in case of foreign company not having a site in Italy)

of.....(.....) Address ..... position  
no..... telephone no. .... fax no. ....;

National Collective Labour Contract: ..... No. of employees

Operations site: .....

and that this Company **has made all mandatory** welfare, assistance and insurance-related **payments**.

*In case of companies located in Italy:*

and that the afore-mentioned is certifiable, in compliance with the law, by the **single document of welfare payment regularity (DURC)**;

<p><b>REPRESENTATION OF POSSESSION OF THE GENERAL REQUIREMENTS:</b></p>
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**B) (hypothesis to be certified by any type of Tenderer):**

- a) that **none of the exclusion criteria from tender exists** for the **Tenderer**, in compliance with the provisions of article 1, letters a), d), e), f), g), h), i), l), m), m) *ter* and m) *quater* of art. 38 of Legislative Decree no. 163/2006, as well as in compliance with the further indications included in the tender documentation;
- b) that the subjects, as per art. 38, paragraph 1, letter b) of Legislative Decree no. 163/06 (no special proxies), are not subject to a pending procedure for the application of one of the preventive measures indicated by article 3 of the law dated December 27th, 1956, no. 1423 or of one of the impedimental causes indicated by article 10 of law dated May 31st, 1965, no. 575. The exclusion and the prohibition only apply if the pending suit is connected to the owner or the technical director, if it is a sole proprietorship; the partners or the technical director, if it is a general partnership; the general partners or the technical director, if it is a limited partnership; the directors with representative powers or the technical director or the sole partner, or the majority partner in case of a company with less than four partners, for any other type of company.  
*(Please indicate the data of the subjects and their positions in the company)*  
.....  
.....  
.....
- c) that the subjects, as per art. 38, paragraph 1, letter c) of Legislative Decree no. 163/06 (no special proxies), were not subject to a sentence which has become final, or were not subject to an irrevocable sentence decree, or sentence of sentence application upon request, in compliance with the provisions of article 444 of the Criminal procedural code, for serious crimes to the damage of the State or of the Community affecting professional morality; a sentence become final for one or more crimes of participation to criminal organization, corruption, fraud, money laundering, as defined by the community acts mentioned by article 45, paragraph 1 of the EC Directive no. 2004/18, is always a cause for exclusion; the exclusion and the prohibition are operative if the sentence or the decree were issued against: the owner or the technical director, in case of a sole proprietorship; the partners or the technical director, in case of a general partnership; the general partner or the technical director, in case of a limited partnership; the directors with representative powers or the technical

director or the single partner, or the majority partner, in case of a company with less than four partners, if it is any other type of company or a consortium. In any case, the exclusion and the prohibition also apply to subjects who ceased being in charge during the year before the publication date of the tender, or of the invitation letter, in case of an informal tender with letters of invitation, if the company cannot prove that there was a complete and effective dissociation from the criminally sentenced behaviour, **by attaching the documentation which proves it to the declaration(s)**; in any case, exclusion and prohibition are not valid when the crime was decriminalized, or when reinstatement took place, or when the crime was declared extinct after the sentence or in case of annulment of the sentence.

*(Please indicate the data of the subjects and their positions in the company)*

.....  
 .....  
 .....

If the legal representative does not have a direct knowledge of the non-existence of pending proceedings on the afore-mentioned subjects for the application of one of the preventive measures indicated at article 3 of law dated December 27th, 1956, no. 1423 or of one of the impedimental causes indicated by article 10 of law dated May 31st, 1965 no. 575, as well as the afore-mentioned sentences, a substitute declaration will have to be made individually by each of them, in compliance with the provisions of Presidential Decree no. 445/2000, affirming the absence of the exclusion causes indicated by art. 38, paragraph 1, letter b) and letter c) of Legislative Decree no. 163/2006.

The separate, complete and truthful declaration(s) must include precisely all of the criminal proceedings, including those with the benefit of non mention, so that the Client's administration may evaluate the relevance of the sentences. The signatory(ies) is/are therefore obliged to indicate all of the sentences, since no selection of the sentences is possible, and the omission of some of them based on personal criteria, is not allowed. Lack of inclusion of criminal sentences in the declaration is grounds for exclusion. There is no need to indicate in the declaration sentences related to a crime which was decriminalized, moreover, there is no need to indicate those sentences for which reinstatement took place, or for which the crime was declared extinct after the sentence, or in case of cancellation of the sentence.

**REPRESENTATION OF POSSESSION OF THE SPECIAL REQUIREMENTS:**

C) that the afore-mentioned **Tenderer** is a member of the Chamber of Commerce, Industry, Crafts and Agriculture of \_\_\_\_\_(\_\_\_\_) for advertising agency activities and/or activities in the framework of public relations and communication consulting, or in a professional or commercial register of the State of residence.

**that the SUBJECTS with representation powers (no special proxies) currently in charge - Administration bodies for which the general requirements of the company must exist - are:** <sup>(4)</sup>

.....  
 .....  
 .....  
 .....

**that the SUBJECTS which ceased being in charge of the company in the year before the date of the present declaration, for whom the law requires possession of the afore-mentioned requirements and on whom the Commissioning Body may/must carry out legal checks are:** <sup>(5)</sup>

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 (4) (5) Please indicate name and surname, date of birth, residence, postal code, taxpayer's code number.

in the company **there are no** subjects with **representation powers (no special proxies) who ceased their service in the afore-mentioned year** (*management bodies, such as: company owner in case of sole proprietorship, director(s), partners, general partners, etc.*);

**(as an alternative):**

in the company **there are** subjects with **representation powers (no special proxies) who ceased their service in the afore-mentioned year** (*management bodies, such as: company owner in case of sole proprietorship, director(s), partners, general partners, etc.*); and in particular, those who worked in roles with representation powers in the company were the following:

.....  
.....  
.....

**D) to be filled in MANDATORILY only if the Tenderer (as a single company or in a temporary group of companies) presents a substitute statement and has the special requirements, as per former Presidential Decree no. 445/2000:**

**TICK THE CORRESPONDING BOX**

**SINGLE COMPANY**

- the company states that it has the required technical, professional and economic requirements, since
- it is the customer of at least two credit institutions or authorized brokers, in compliance with legislative decree dated September 1st, 1993, no. 385, which can guarantee the company's solvency, by means of a statement (references)
  - it was registered in the Companies' Register set up at the Chamber of Commerce – or in the professional register of the State of residence, in case of foreign companies which do not reside in Italy – before the three-year period before the tender publication date on the European Union Official Journal for advertising agency and/or public relations and communication consulting activities.
  - it has carried out advertising agency activities and/or public relations and communication consulting activities continuously in Great Britain in the three-year period before the date of publication of the present tender on the European Union Official Journal.
  - it has carried out at least 5 services related to the strategic preparation and execution of communication plans and/or in the framework of public relations and of communication consulting of the duration of at least one year on the British market, in the three-year period before the publication date of the present tender on the European Union Official Journal
  - it has at least three employees/cooperators, each of whom has a public relations consultant qualification and proved experience of at least three years in the PR sector.
- and it is able to produce the documentation required by the tender to support the afore-mentioned statements.

**IN CASE OF A TEMPORARY GROUP OF COMPANIES:**

- the mandatory company** states that it has the required technical and professional requirements since:

- it is the customer of at least two credit institutions or authorized brokers, in compliance with legislative decree dated September 1st, 1993, no. 385, which can guarantee the company's solvency, by means of a statement (references);
  - it was registered in the Companies' Register set up at the Chamber of Commerce – or in the professional register of the State of residence, in case of foreign companies which do not reside in Italy – before the three-year period before the tender publication date on the European Union Official Journal for of advertising agency and/or public relations and communication consulting activities.
  - it has carried out advertising agency activities and/or public relations and communication consulting activities in Great Britain continuously in the three-year period before the date of publication of the present tender on the European Union Official Journal
    - it has carried out at least 3 services related to the strategic preparation and execution of communication plans and/or in the framework of public relations and of communication consulting of the duration of at least one year on the British market in the three-year period before the publication date of the present tender on the European Union Official Journal.
  - it has at least two employees/cooperators, each of whom has a public relations consulting qualification and proved experience of at least three years in the PR sector.
- and it is able to produce the documentation required by the tender to support the afore-mentioned statements.

It is further declared that the group of companies owns 100% of the requirements necessary to take part in the tender.

**The principal company** states that it has the required technical and professional requirements since

- it is the customer of at least two credit institutions or authorized brokers, in compliance with legislative decree dated September 1st, 1993, no. 385, which can guarantee the company's solvency, by means of a statement (references);
- it was registered in the Companies' Register set up at the Chamber of Commerce – or in the professional register of the State of residence, in case of foreign companies which do not reside in Italy – before the three-year period before the tender publication date on the European Union Official Journal for advertising agency and/or public relations and communication consulting activities.
- it has carried out advertising agency activities and/or public relations and communication consulting activities in Great Britain continuously in the three-year period before the date of publication of the present tender on the European Union Official Journal
  - it has carried out at least 1 service related to the strategic preparation and execution of communication plans and/or in the framework of public relations and of communication consulting of the duration of at least one year, on the British market in the three-year period before the publication date of the present tender on the European Union Official Journal.
- it has at least one employee/cooperator, who has a public relations consulting qualification and has a proved experience of at least three years in the PR sector.

and it is able to produce the documentation required by the tender to support the afore-mentioned statements.

**FURTHER NECESSARY STATEMENTS TO ACCESS THE TENDER**  
(to be made by all types of Tenderers taking part in the tender):

- E)  a) that the Tenderer does not control any other tenderer, as per art. 2359 of the Civil Code, and that it does not have any other relationship with other tenderers, as per the provisions of art. 38, paragraph 1 letter m quater of Legislative Decree no. 163/2006;

**[as an alternative, to be declared in case the Tenderer does control/have a relationship/a connection with another/other tenderer(s) in the present tender]:**

- a) that the Tenderer does control another tenderer, as per art. 2359 of the Civil Code, or that it has another relationship with another tenderer, as per the provisions of art. 38, paragraph 1 letter m quater of Legislative Decree no. 163/2006, but that it has presented its offer independently and that the tenderer with which there is such a relationship is ..... (name, company name and address). With regards to this, under penalty of exclusion, all of the useful

documents which can prove that the control situation did not interfere with the creation of the bid are attached in a sealed envelope;

- b) that it is aware of the local conditions, of all of the general and particular circumstances which may have affected the definition of the prices and may influence the execution of the performance and the contractual conditions;
- c) that, with the presentation of the bid, it implicitly accepts, with no reserves or exceptions, the rules or conditions included in the tender, in the present rules and regulations and attachments thereto;
- d) that it has met, inside its company, the safety obligations indicated by current legislation;
- e) that, with reference to the present tender, it does not have a memorandum and/or restrictive practices of the competition and of the market which are forbidden, in compliance with the applicable legislation, including articles 81 and following of the EC Treaty and articles 2 and following of law 287/1990 and, further, that the offer was prepared in full respect of such legislation;
- f) that it will timely communicate any changes which might occur in the property structure and in the company structure, as well as in technical and administrative bodies, and also relating to subcontractors, to the Commissioning Body;
- g) that there is no situation of conflict of interests with regards to the performance of the services object of the tender and that it is committed to avoiding any future conflicts of interests;
- h) **that it authorizes the administration to grant access upon request of the tenderers to all documents presented for the participation in the tender;**
- i) **that it accepts unconditionally the contents of the tender rules and regulations and attachments thereto;**
- j) that the Tenderer is aware that the data gathered in the framework of the procedures activated on the basis of the tender document will be treated in compliance with the provisions of art. 13 of Legislative Decree dated 30/06/2003, no. 196, which is the "Code for the protection of personal data" exclusively in the framework of the present tender;
- k) that, in creating its offer, it has kept into consideration possible price increases due to price changes which might occur during the execution of the contractual performance, thus waiving all actions or exceptions;

Date \_\_\_\_\_ Readable signature of the legal representative <sup>(6)</sup>

and stamp \_\_\_\_\_

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**(6) Please sign with a full and readable signature of the person who makes the representations and add the stamp of the Tenderer.**

**A non-authenticated photostat of an ID of the subscriber must be attached to the present, UNDER PENALTY OF EXCLUSION, in compliance with the provisions of art. 38, paragraph 3 and of art. 45 of Presidential Decree dated 28-12-2000, no. 445.**