

QUALIFICATION SYSTEM

Suppliers of goods, service providers and work executors

LEGAL AND INTEGRITY REQUIREMENTS

1. Legal and integrity requirements

Economic operators that submit an Application for Qualification to the System must:

- a) be registered in the **Business Register held at the Chamber of Commerce, Industry, Crafts and Agriculture** for activities consistent with the services covered by the Categories of supplies/services/works for which qualification or equivalent registration is required, according to the legislation of the country of origin; to this end, for economic operators domiciled in Italy, it should be noted that only the corporate purpose as resulting from the chamber of commerce registration is relevant, regardless of the ATECO codes of the activities indicated therein
- b) be in possession of the **general requirements, referred to in the annex "General Requirements"**.

It should be noted that, even if the applicant is duly qualified, the Company and/or the companies of the Ferrovie dello Stato Italiane Group which will initiate the individual assignment procedures, reserve the right not to invite the competitors that they deem unsuitable in terms of professional reliability as they have been terminated for **non-fulfilment of contracts stipulated with companies of the Ferrovie dello Stato Italiane group in the last three years**;

- c) be in possession of a **Certificate of Contribution Regularity**;

2. Documents of proof of meeting basic requirements

1. For the purposes of demonstrating possession of the requirements referred to in the previous **article 1**, the applicant economic operators are required to submit, in any case subject to the applicability of the provisions referred to in the Italian Presidential Decree 28 December 2000, no. 445, the following documentation:

- a) **Certificate of registration at the Chamber of Commerce** (or in equivalent registers in the country of origin), or alternatively, a declaration in lieu of the certificate of the Chamber of Commerce which must bear the following indications:
 - date and number of registration in the commercial register;
 - legal status of the applicant;
 - company denomination or name;
 - headquarters, tax code;

- share capital and paid-up capital;
- start date of the activity;
- duration;
- corporate purpose;
- names of the members of the corporate bodies, with indication of the directors with powers of representation in office;
- in the case of general partnerships, names of all current shareholders; in the case of limited partnerships, the general partners;
- any secondary offices or branches.

Consortium companies and consortia, including stable ones, and business combinations through a network contract must also attach a copy of the following documents:

- deed of partnership;
- updated statute;
- copy of any regulation governing relations between consortium members.
- Network agreements pursuant to art. 3 paragraph 4-ter of the decree law n. 5/2009 converted with modifications from the l. 33/2009 and subsequent amendments, including any proxies granted to the lead company or to the common body to represent the member companies

- b) **Declaration through the *Annex "General Order Requirements"*** to be inserted in the appropriate field in the form of the category selected on the Portal;
 - c) **Single insurance contribution payment certificate (D.U.R.C) certification (not replaceable with self-certification ex D.P.R. 445/2000 as amended)**, or for companies based in a foreign country, documentation equivalent to the D.U.R.C., issued by the competent Institute of the country of origin, from which the fulfilment of social security and welfare obligations can be deduced;
 - d) **D.U.R.F. certification**, or for companies based in a foreign country, documentation equivalent to the D.U.R.F., issued by the competent Institute of the country of origin, from which the fulfilment of tax obligations can be deduced.
2. Applicant Economic Operators who have already submitted the documentation capable of proving even only part of the requisites necessary for the purposes of qualifying for the System, may, if this documentation is still valid, avoid further submission by declaring that it

already has of the Company or other companies of the FS Italiane Group's Logistics Hub and indicating the recipient structure as well as the date of the previous forwarding.

Annex “General Requirements”

DECLARATION IN LIEU OF AFFIDAVIT

(art. 47 of the D.P.R. 28.12.2000, no. 445)

SECTION I - PERSONAL DATA

The undersigned _____	
born in _____ (_____) on _____/_____/_____	
domiciled at _____ (_____) in _____ nr. _____ Post Code _____	
With Tax ID	In his/her quality of
Ph.	e-mail
Of the Company _____	
With registered office in _____ (_____) in _____ nr. _____ Post Code _____	
Constituted on ____/____/_____ Share Capital Euro _____	
With Tax ID	And VAT ID
Registered in the Register of Companies of _____ with Nr. _____	

AWARE, pursuant to and by effect of art. 76 of Italian Presidential Decree 445/2000, of the responsibilities and penalties established by law for false statements and false declarations provided for by the Criminal Code and by the special laws on the matter and the consequent civil and contractual responsibilities

DECLARE

SECTION II - GENERAL REQUIREMENTS

under my personal responsibility (*general requirements*):

- i) to not have been convicted, with a definitive sentence or penal decree which has become

irrevocable or a sentence applying the penalty upon request pursuant to article 444 of the Code of Criminal Procedure, for one of the following crimes:

- a) crimes, committed or attempted, pursuant to articles 416, 416-bis of the penal code or crimes committed making use of the conditions set forth in the aforementioned art. 416-bis or in order to facilitate the activity of the associations set forth by the same article, as well as for the crimes, committed or attempted, envisaged by art. 74 of the Presidential Decree 309/1990, by art. 291-quater of the Presidential Decree 43/1973 and by the art. 260 of Legislative Decree 152/2006, as they can be traced back to participation in a criminal organization, as defined in article 2 of the framework decision 2008/841/GAI of the Council of the European Union;
- b) crimes, committed or attempted, pursuant to articles 317, 318, 319, 319-ter, 319-quater, 320, 321, 322, 322-bis, 346-bis, 353, 353-bis, 354, 355 and 356 of the penal code, as well as in art. 2635 of the civil code;
- c) fraud within the meaning of Article 1 of the Convention on the protection of the financial interests of the European Communities;
- d) crimes, committed or attempted, committed for the purposes of terrorism, including international terrorism, and subversion of the constitutional order, terrorist offences or offences connected to terrorist activities;
- e) crimes pursuant to articles 648-bis, 648-ter and 648-ter.1 of the penal code, money laundering of proceeds from criminal activities or terrorist financing, as defined in art. 1 of Legislative Decree 22 June 2007, no. 109 and subsequent modifications;
- f) exploitation of child labour and other forms of trafficking in human beings defined by Legislative Decree 4 March 2014, Nr. 24;
- g) false corporate communications pursuant to articles 2621 and 2622 of the civil code
- h) any other crime resulting in the inability to contract with the public administration as an accessory penalty;
- i) the non-existence of one of the causes for forfeiture, suspension or prohibition provided for by art. 67 of Legislative Decree 159/2011 or an attempted mafia infiltration pursuant to art. 84, paragraph 4, of the same decree; in this regard declares that the company:

return only the correct option

- ☐ is registered in the "white list" established at the competent Prefecture pursuant to the D.P.C.M 18.4.2013 (GURI n. 164 of 15.7.2013), as amended by the D.P.C.M. 24.11.2016 published in the Official Journal of the Italian Republic (GURI) n. 25 of 31.01.2017

in other words

- ☐ has applied for renewal/ update of registration on the "white list" established at the competent Prefecture pursuant to the D.P.C.M 18.4.2013 (GURI n. 164 of 15.7.2013), as amended by the D.P.C.M. 24.11.2016 published in the Official Journal of the Italian Republic (GURI) n. 25 of 31.01.2017

in other words

- ☐ *has applied for registration on the "white list" set up at the competent Prefecture pursuant to the D.P.C.M. 18.4.2013 (GURI n. 164 of 15.7.2013), as amended by the D.P.C.M. 24.11.2016 published in the GURI n. 25 of 31.01.2017, and in this regard, in the event of an award, will attach, for the purpose of the required checks, the self-certification regarding the cohabiting family members of the parties referred to in art. 85 of Legislative Decree 159/2011 and subsequent amendments or the different necessary documentation that will be requested by this Company*

in other words

- ☐ *has not applied for registration on the "white list" established at the competent Prefecture pursuant to the D.P.C.M. 18.4.2013 (GURI n. 164 of 15.7.2013), as amended by the D.P.C.M. 24.11.2016 published in the GURI n. 25 of 31-1-2017, as it does not fall within the category of so-called "sensitive" activities to the risk of infiltration, already indicated by art. 1 c. 53 Law no. 190/2012 and in this regard, in the event of an award, will attach, for the purpose of the required checks, the self-certification regarding the cohabiting family members of the parties referred to in art. 85 of Legislative Decree 159/2011 and subsequent amendments or the different necessary documentation that will be requested by this Company*

in other words

- ☐ *Possesses the "legality rating" issued by the Competition and Market Guarantor Authority pursuant to article 5-ter of the decree law of 24 January 2012, n. 1, as amended by art. 1, paragraph 1-quinquies, of the decree-law of 24 March 2012, n. 29, converted, with amendments, by law 18 May 2012, n. 62 and the related Authority Resolution of 28 July 2020, n. 28361 (Official Journal of 19 October 2020, n. 259), undertaking, in the event of the award, to provide written proof to this Company.*

DECLARES

that the relevant parties are the following¹:

Indicate, for each of the parties envisaged therein

name surname.....

place and date of birth,

corporate office:

name surname.....

place and date of birth,

¹ the Owner and the technical director in the case of a sole proprietorship; the partners and the technical director in the case of general partnerships; the general partners and the technical director in the case of a limited partnership; in the case of another type of company or a consortium, the directors or alternatively the members of the management board with power of representation; the technical director (if present); the sole shareholder who is a natural person, or the majority shareholder who is a natural person in the case of companies with a number of shareholders equal to or less than four;

corporate office:

name surname.....

place and date of birth,

corporate office:

and for each of them a special substitutive declaration is attached concerning the absence of the impediments listed above referring to them.

SECTION III – PREVENTING CAUSES

ALSO DECLARE

- To not have committed serious violations with respect to the obligations relating to the payment of taxes and duties or social security contributions, according to Italian legislation or that of the State in which they are established; To not have committed serious infringements of safety regulations and any other obligation deriving from employment relationships, as well as legal obligations in environmental, social and labour matters;
- To not be in a state, or in the course of a proceeding for the declaration of bankruptcy, compulsory liquidation, composition with creditors, except in the case of composition with business continuity;
- To not have been guilty - according to the justified assessment of the Proceeding Company regarding the permanence, or otherwise, of the necessary fiduciary relationship between the Client and the Contractor - of serious professional offences such as to render its integrity or reliability doubtful;
- To not be in a situation of lack of professional reliability due to having incurred, in the last three years:
 - o in the termination for non-fulfilment of works, service and supply contracts awarded by the proceeding company or by other companies of the Ferrovie dello Stato Italiane group;
 - o in the declared non-testability of works, services and supplies which are the subject of a contract stipulated with the proceeding company or another company of the Ferrovie dello Stato Italiane group;
 - o in violation, during the execution of previous contracts or during the participation in previous tender procedures, of any of the rules contained in the Code of Ethics of the Ferrovie dello Stato Italiane Group, ascertained by any means of proof by the Client and/or by the Proceeding company;
 - o in the failure to stipulate a contract or deliver works, supplies or services assigned by the proceeding Company or by another Company of the Ferrovie dello Stato Italiane Group, due to the act and fault of the economic operator;

SECTION IV – CONTROL/CONNECTION SITUATIONS

FURTHER DECLARES

☐ to be

☐ to not be

in a situation of control pursuant to art. 2359 of the civil code or of any relationship, even de facto, if the control situation or relationship involves the existence of a single decision-making centre with another company participating in the qualification system for the same product category for which qualification is requested;

If there is a situation of control, indicate in relation to the controlling/associated entity:

Business name

VAT number

Registered office

With regard to parent and/or associated entities, he declares that the relevant parties of said entities are as follows²:

name surname.....

place and date of birth,

corporate office:

name surname.....

place and date of birth,

corporate office:

name surname.....

place and date of birth,

corporate office:

and for each of them a special substitutive declaration is attached concerning the absence of the

² see note 1

impediments listed above referring to them.

Lastly, that the elected domicile for communications relating to this procedure is [●] *supplement
certified email or fax*

(Signature)

The declaration must be accompanied by a photocopy of the signatory's identification document