



Consiglio Nazionale delle Ricerche

Istituto di Ricerca Genetica e Biomedica

INTEGRITY AGREEMENT

**BETWEEN THE NATIONAL RESEARCH COUNCIL AND THE ECONOMIC OPERATORS PARTICIPATING
IN THE PROCEDURES FOR THE PROCUREMENT OF SERVICES AND SUPPLIES PURSUANT TO
LEGISLATIVE DECREE NO. 36/2023**

Ref. Internal Commitment no. 9210000200_2019 ORDER N. CA-161-2024-EZIO-Marini

URL: <https://www.urp.cnr.it/180416-2024>

Concerning the entrustment pursuant to article 50, paragraph 1 letter b) of Legislative Decree no. 36/2023 of the supply of laboratory reagents for molecular biology under the Project "DSB.AD006.383 Identificazione delle basi eziopatogeniche della predisposizione alla resistenza agli agenti patogeni e identificazione di bersagli terapeutici" CUP B33C23000070005 CIG B1E6F4E82D

BETWEEN

The Genetic and Biomedical Research Institute of the Italian National Research Council - Fiscal Code 80054330586 (hereinafter referred to as CNR or Administration) - in the person of the Head Dr. Marcella Devoto;

AND

The company International Blood Group. Reference Laboratory (hereinafter referred to as Economic Operator) with registered office at Laboratory500 North Bristol Park. Northway Filton. Bristol VAT No: GB 654 9616 03 represented by Iga Radkiewics as legal representative;


HAVING REGARD

- Article 1, paragraph 17, of Law No. 190 of November 6, 2012, bearing "Provisions for the prevention and suppression of corruption and illegality in the public administration."
- the National Anticorruption Plan 2022 approved by the National Anticorruption Authority (hereinafter referred to as ANAC) by Resolution No. 7 of January 17, 2023 and subsequent updates;
- Legislative Decree No. 36 of March 31, 2023 on the "Public Contracts Code in implementation of Article 1 of Law No. 78 of June 21, 2022, delegating authority to the Government on public contracts" (hereinafter referred to as the Public Contracts Code);
- Integrated Plan of Activities and Organization (PIAO) 2023-2025 of the National Research Council (NRC), adopted by resolution of the Board of Directors No. 77/2023 of March 21, 2023;

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Sede di Cagliari - Cittadella Universitaria di Monserrato

S.S. 554 bivio per Sestu Km 4,500 - 09042 Monserrato (CA)

 Tel. +39 0706754653 - segreteria@irgb.cnr.it - protocollo.irgb@pec.cnr.it

- Presidential Decree No. 62 of April 16, 2013, by which the "Regulations on the Code of Conduct for Public Employees, pursuant to Article 54 of Legislative Decree No. 165 of March 30, 2001" was issued;

- the Code of Conduct for employees of the CNR, adopted by resolution of the Board of Directors No. 132/2014 of July 10, 2014, updated by resolution No. 137/2017 of October 17, 2017;

THE ADMINISTRATION AND THE ECONOMIC OPERATOR AGREE AS FOLLOWS

Article 1

(Purpose and scope of application)

1. This Integrity Pact represents a preventive measure against corrupt practices, concussive or otherwise tending to undermine the proper conduct of administrative action in the context of public contracts tendered by the Administration.
2. The agreement established reciprocal and formal obligations between the Administration and each Economic Operator participating in the tender procedure and eventually awarded the same, in order to conform their behavior to the principles of loyalty, transparency and fairness in all phases of the contract, from participation to contract execution.
3. With the Integrity Pact, the Parties, in particular, assume the express anti-corruption commitment not to offer, accept or request sums of money or any other reward, advantage or benefit - either directly or indirectly through intermediaries - for the purpose of awarding the contract and/or to distort its proper execution during the course of the work.
4. This Agreement finds application in all above and below EU threshold tendering procedures, unless for the specific entrusting there already exists a specific Integrity Agreement prepared by another legal entity (eg. Consip). Sub-threshold procedures shall also include direct entrustments made within the limit of 40,000.00 euros (forty thousand euros/00).
5. It governs and regulates the conduct of economic operators and all persons employed in any capacity by the same operators in the context of the bidding procedures called by the Administration, in which they participate, and in the execution phase of the contract that may be entrusted to them as a result of the aforementioned bidding procedures.

6. The Integrity Pact, likewise, regulates the conduct of every subject of the Administration employed - under any form of contractual relationship provided for by current regulations - within the framework of the tender procedures, as well as in the phase of execution of the resulting contract. The same subjects are, moreover, aware of the contents of this Integrity Pact, the spirit of which they fully share, as well as of the sanctions provided against them in case of non-compliance.

7. The Agreement, signed for acceptance by the legal representative and by the Technical Director(s) of the Economic Operator, if any, must be attached to the tender documentation in any procedure for the award and management of supply, service and works contracts carried out by the Administration - including direct awarding cases - constituting, as well, an integral part of the resulting contract.

In the case of Consortiums or Temporary Groupings of Companies, the Agreement must be signed by the legal representative of the Consortium as well as of each of the Consortium or Grouped Companies and any Technical Directors.

In the case of the use of outsourcing, the Agreement must also be signed by the legal representative of the auxiliary and the Technical Director, if any.

In the case of subcontracting-where permitted-the Covenant must also be signed by the legal representative of the subcontractor itself, and by the Technical Director, if any.

8. The presentation of the Agreement, signed for unconditional acceptance of its provisions, constitutes for the Economic Operator an essential condition for admission to the tender procedure, under penalty of exclusion from the same. The absence of the declaration of acceptance of the Integrity Pact or the failure to produce the same, duly signed by the bidder, may be regularized through the procedure of preliminary relief under Article 83, paragraph 9, of the Code. 83, paragraph 9, of the Contract Code.

Article 2

(Economic Operator Requirements)

1. The Economic Operator conforms its conduct to the principles of loyalty, transparency and fairness.

2. The Economic Operator undertakes not to offer sums of money, benefits, advantages, benefits or any other reward, either directly or indirectly through intermediaries, to the Administration staff, or to third parties, for the purpose of awarding the tender or to distort its correct execution, as well as for the purpose of awarding the contract or to distort its correct and regular execution.

3. The Economic Operator, without prejudice to its legal obligations to report to the competent Judicial Authority, undertakes:



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- a) to report to the Administration any unlawful attempt of disturbance, irregularity or distortion during the phases of the conduct of the awarding procedure or during the execution of the contract by any interested party or employee or anyone who may influence the decisions related to the procedure, including unlawful requests or claims by employees of the Administration itself;
- b) to report to the Administration any unlawful requests or claims by employees of the Administration itself or anyone who may influence decisions regarding the awarding procedure or the execution of the contract;
- c) if the facts referred to in points a) and b) above are a prerequisite, to file a complaint with the competent Authorities and to report the fact to the ANAC, denouncing, in particular, any attempt of corruption, extortion, intimidation, or conditioning of a criminal nature (requests for bribes, pressure to direct the hiring of personnel or the awarding of subcontracts to certain companies, damage and/or theft of personal property or on the construction site, etc.)
- d) not to grant appointments or enter into contracts with the persons referred to in Article 53, paragraph 16-ter, of Legislative Decree No. 165/2001, as amended.

The company is also bound the successful tenderer in the phase of the execution of the contract, as well as all possible subcontractors of the same. To this end, the clause providing for compliance with the obligations set forth in this Integrity Agreement shall be included in the contracts entered into by the Economic Operator with its subcontractors.

4. The legal representative of the Economic Operator shall promptly and punctually inform all personnel it employs (employees, consultants, collaborators and/or subcontractors) about this Integrity Agreement and the obligations contained herein, and shall scrupulously supervise their compliance.

5. The legal representative of the Economic Operator shall report any situations of conflict of interest, of which he/she is aware, with respect to Administration personnel.


6. The legal representative of the Economic Operator declares:

- that it has not influenced the administrative procedure aimed at establishing the content of the notice or other equivalent act in order to condition the manner in which the Administration chooses the contractor;
- that it does not find itself in situations of control or connection (formal and/or substantial) with other competitors, such as to result in the imputation of the relevant bids to a single decision-making

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center, and that it has not agreed and will not agree with other participants in the tender to limit or circumvent free competition in any way;

- that it is not in any other situation deemed incompatible with participation in tenders by the Public Contracts Code, the Civil Code or other applicable regulatory provisions;

- that I have not given appointments to the parties referred to in Article 53, paragraph 16-ter, of Legislative Decree no. 165/2001, as amended and supplemented, or that I have not entered into contracts with the same parties;

- to be aware that, should it be ascertained that the aforementioned prohibition set forth in art. 53, paragraph 16-ter, of Legislative Decree no. 165/2001 has been violated, immediate exclusion from participation in the entrustment procedure will be ordered;

- to undertake to disclose, at the request of the Administration, all payments made and concerning.

the Article 3 (Administration Requirements)

1. The Administration shall conform its conduct to the principles of loyalty, transparency and fairness.

In particular, it assumes the express anti-corruption commitment not to offer, accept or request sums of money or any other reward, advantage or benefit, either directly or indirectly through intermediaries, for the purpose of awarding the contract and/or for the purpose of distorting its proper performance.

2. The Administration shall inform its personnel and all persons working in it, in any capacity involved in the above-mentioned bidding procedure and in the phases of supervision, control and management of the execution of the relevant contract if awarded, about this Integrity Agreement and the obligations contained therein, and shall oversee their observance.

3. The Administration will activate the procedures of law against personnel who do not conform their actions to the principles referred to in the first paragraph of this article, the provisions contained in the code of conduct for public employees referred to in the contract eventually awarded to him as a result of the entrustment procedure.

Presidential Decree No. 62 of April 16, 2013, as well as those prescribed in the Code of Conduct for Administration Employees.

4. The Administration will open an investigative procedure for the verification of any report received regarding anomalous conduct implemented by its personnel in relation to the tender process and the contract execution phases.

5. The Administration shall formalize the investigation of violations of this Integrity Agreement, in accordance with the principle of adversarial debate.

Article 4
(Violation of obligations under the Integrity Pact)

1. The violation of the obligations referred to in Article 2 above shall be declared at the outcome of a verification procedure in the course of which an adequate cross-examination with the Economic Operator involved in the procedure will be ensured.

2. In the event of ascertained violation by the Economic Operator, both as a competitor and as a successful tenderer, of one of the commitments undertaken as per Article 2 above, one or more of the following sanctions will be applied, also cumulatively and without prejudice to specific further legal provisions:

- exclusion from the awarding procedure and enforcement of the bond, if the violation is ascertained in the phase preceding the awarding of the contract;
- revocation of the award and enforcement of the security if the violation is ascertained in the phase following the award of the contract, but prior to the conclusion of the contract;
- termination of the contract, pursuant to and for the purposes of Article 1456 of the Civil Code, and enforcement of the final bond, if the violation is ascertained at the stage of contract execution;
- reporting the fact to the ANAC and the competent Authorities.

3. This is without prejudice to the Administration's right not to avail itself of the termination of the contract if it deems it detrimental to the public interests underlying the contract; this is without prejudice, in any case, to any right to damages and the application of any penalties.

4. In any case, the ascertainment of a violation of the obligations undertaken with this Integrity Pact constitutes legitimate cause for the exclusion of the Economic Operator from participation in the procedures for the awarding of contracts for works, supplies and services tendered by the Administration for the following year.

Article 5
(Effectiveness of the Integrity Pact)

This Integrity Pact and its sanctions shall apply from the start of the awarding procedure until the complete execution of the contract awarded as a result of the procedure.



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Article 6 (Disputes)

Any dispute regarding the interpretation and execution of this Integrity Pact between the Administration and the Economic Operators, or between the Economic Operators themselves shall be settled, exclusively, by the Court of Rome.

Date,

**IRGB office
Dr. Marcella Devoto**

The Owner/Legal Representative