



Year 2024

Tit. X

Cl. 4

Fasc. 2024-

X/4.77

N. Attachments

6

PEC

rc/FGZR

To the Enterprise

Edward Elgar Publishing Limited

The Lypiatts, 15 Lansdown Road, Cheltenham

Glos GL50 2JA – UK

Legal mail:

Subject: Direct award for the Open Access publication service of the chapter "Fashion and the Metaverse" in the volume "Research Hanbook in Metaverse and Law" as part of the PNRR Research Project "NODES - Digital and Sustainable North West" CUP: J83B22000050001

This procedure consists of an exploratory survey of the market, in order to comparatively evaluate several cost estimates on the basis of which to proceed, pursuant to art. 225 par. 8 of Legislative Decree 36/2023 and Article 14 of Decree-Law No. 13 of 24 February 2023, converted with amendments by Law No. 41 of 21 April 2023, to the assignment of the assignment/service/supply/work in question, pursuant to art. 1 paragraph 2 letter a) of Decree-Law no. 76 of 16 July 2020 "Urgent measures for digital simplification and innovation" converted into Law no. 120 of 11 September 2020 as amended, which provides, by way of derogation from art. 36 paragraph 2 of Legislative Decree 50/2016, for procedures adopted by 31 December 2023, as the method of choosing the contractor the direct award for services and supplies, including engineering and architectural services and design activities, for an amount of less than € 139,000.00.

It is therefore requested that this respect. the Economic Operator to send its estimate in the manner indicated below.

1. SUBJECT MATTER OF THE CONTRACT

The contract concerns the direct assignment for the open source publication service of the chapter "Fashion and the Metaverse" in the volume "Research Hanbook in Metaverse and Law" as part of the PNRR Research Project "NODES - Digital and Sustainable North West"

2. AMOUNT OF THE CONTRACT

The total presumed amount on which a discount estimate is requested is equal to **£ 1575** of which **£ 130** for labour costs not subject to reduction. With reference to the provisions contained in Legislative Decree 81/08, in the service in question there are no risks of interference that require preventive and protective measures in addition to those safety measures, borne by the company, related to the risks deriving from its activities. Therefore, no security charges deriving from specific risks from interference are estimated.



INSERT LETTERHEAD

The contract is funded by the European Union - Next Generation EU with the Innovation Ecosystems programme - as part of the National Recovery and Resilience Plan, Mission 4 Education and research - Component 2 From research to business - Investment 1.5

3. DURATION OF THE CONTRACT

The performance of the service must take place within 30 calendar and consecutive days from the date of signing the contract.

Pursuant to Article 14, paragraph 4, of Decree-Law No. 13 of 24 February 2023, converted with amendments by Law No. 41 of 21 April 2023, for procedures launched by 31 December 2023, unless a longer deadline is provided, the discipline referred to in Article 8, paragraph 1, letter a) of Decree-Law No. 76/2020 converted into Law No. 11 September 2020 applies, 120 and subsequent amendments which provides that, pending the verification of the requirements, the execution of the contract is always authorized as a matter of urgency.

4. ECONOMIC OPERATORS REQUIREMENTS

The request for a quote is addressed to economic operators who meet the following requirements:

- **General requirements and other grounds for exclusion**

Competitors must possess, under penalty of exclusion, the general requirements provided for by Legislative Decree no. 36/2023, hereinafter referred to as the Code.

The circumstances referred to in Article 94 of the Code are grounds for automatic exclusion. The existence of the circumstances referred to in Article 95 of the Code is ascertained after an adversarial hearing with the economic operator.

Economic operators who have entrusted tasks in violation of Article 53, paragraph 16-ter, of Legislative Decree No. 165 of 2001 to persons who have exercised, as employees, authoritative or negotiating powers at the awarding authority in the last three years are excluded.

Economic operators employing more than fifty employees who do not deliver, at the time of submission of the tender, a copy of the latest periodic report on the situation of male and female staff drawn up pursuant to Article 46 of Legislative Decree No. 198 of 2006, together with the certificate of compliance with the one already sent to the company trade union representatives and regional equality councillors, or, in the absence of such previous transmission, together with the certification of its simultaneous transmission to the company trade union representatives and to the regional equality councillor.

Economic operators employing fifteen or more employees and not exceeding fifty, who in the twelve months prior to the deadline for submitting the bid have failed to submit to the contracting authority a previous contract financed in whole or in part with PNRR or PNC funds or a previous reserved contract pursuant to Article 61 of the Code, are

excluded from the award, the report referred to in Article 47, paragraph 3 of Decree-Law No. 77 of 2021.

- **Special Order Requirements**

Competitors must possess, under penalty of exclusion, the following requirements.

- a) Registration in the Register of Companies or in the Register of Artisan Companies for activities pertinent to those covered by this tender procedure. For the economic operator from another Member State, not resident in Italy: registration in one of the professional or commercial registers of the other Member States referred to in Annex II.11 of the Code;

5. DOCUMENTATION

The documentation is structured as follows:

- Self-declaration of the economic operator
- Self-certification by the economic operator, under penalty of exclusion from the tender, that he is registered in the list of suppliers, service providers and executors of works not subject to an attempt at mafia infiltration (so-called white list) established at the Prefecture of the province in which the economic operator has its headquarters or that he has submitted an application for registration in the aforementioned list;
- Declaration on the absence of situations of conflict of interest of the beneficial owner
- Special tender specifications
- Declaration of personnel costs

6. DEADLINE, ADDRESS OF RECEIPT, METHOD OF SUBMISSION OF THE QUOTE

The cost estimate and related documentation must be drawn up and transmitted **by 11:59 p.m. on October 7th 2024.**

Documents must be sent to the following PEC address:

dipartimento.dec@pec.uninsubria.it

The company must send the following documentation via certified email:

A) ADMINISTRATIVE DOCUMENTATION:

- **Substitute declaration, digitally signed** by the Legal Representative of the Company or by a person with proven powers of signature (in the case of a special proxy, the power of attorney must be evidenced by a notarial deed, in digital

- original or digital certified copy, included in the "Administrative Documentation");
- Self-certification of the economic operator, under penalty of exclusion from the tender, that he is registered in the list of suppliers, service providers and executors of works not subject to attempted mafia infiltration (so-called white list) established at the Prefecture of the province in which the economic operator has its headquarters or that he has submitted an application for registration in the aforementioned list digitally signed by the Legal Representative of the Company or by a person with proven powers of signature (in the case of a special proxy, the power of attorney must be evidenced by a notarial deed, in digital original or digital certified copy, included in the "Administrative Documentation");
 - Declaration on the non-existence of situations of conflict of interest of the beneficial owner digitally signed;
 - Special Tender Specifications digitally signed for acceptance by the Legal Representative of the Company or by a person with proven powers of signature (in the case of a special proxy, the power of attorney must be shown in a notarial deed, in digital original or digital certified copy, included in the "Administrative Documentation");
 - Declaration of personnel costs digitally signed by the Legal Representative of the Company or by a person with proven powers of signature (in the case of a special proxy, the power of attorney must be shown in a notarial deed, in digital original or digital certified copy, included in the "Administrative documentation")

B) ECONOMIC DOCUMENTATION:

- Cost estimate of the service digitally signed by the Legal Representative of the Company or by a person with proven powers of signature (in the case of a special power of attorney, the power of attorney must be shown in a notarial deed, in digital original or digital certified copy, included in the "Administrative Documentation")

7. EXAMINATION OF ESTIMATES

The estimates submitted by the economic operators, in the terms and in the manner indicated above, will be submitted to the evaluation of the RUP and the contract will be awarded to the operator who has formulated the best estimate, where deemed appropriate.

The University, in the award procedures referred to in art. 50, paragraph 1, letters a) and b), for an amount of less than 40,000 euros, proceeds to the stipulation of the contract on the basis of the declaration in lieu of affidavit made by the economic operator regarding the possession of the required participation and qualification requirements.

In the event of subsequent ascertainment of the lack of possession of the general or special requirements declared by the economic operator, the termination of the contract, the enforcement of any definitive guarantee, the communication to ANAC and the suspension of the economic operator from participation in the award procedures

announced by the same contracting authority for a period of one to twelve months starting from the adoption of the measure.

It should be noted that, as provided for in Article 1, paragraph 2 of Annex I.4 to the Code, assignments of less than €40,000 are exempt from stamp duty.

This "Request for Quotes" does not announce any tender procedure and does not presuppose the formation of any merit ranking or the attribution of scores.

The mere procedure of this award through the acquisition of a plurality of estimates and the indication of the criteria for the selection of operators, does not transform this award into a tender procedure, as provided for in paragraph 2 of art. 17 of Legislative Decree no. 36/2023. Therefore, this administration reserves the right, in any case and at any time, to suspend, interrupt, modify or cancel this comparative survey, without this being a source of rights or claims of any kind, preordained to compensation or reimbursement of any costs incurred for participation in this survey.

8. PROCESSING OF PERSONAL DATA

The data provided by the proponents will be processed in full compliance with the provisions of the regulations in force applicable to the processing of personal data and, in particular, Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 (hereinafter the "European Data Protection Regulation") and Legislative Decree 196/2003 as amended, where applicable.

The Data Controller of the personal data of natural persons (so-called data subjects) carried out in the performance of the tender procedures and the subsequent phase of stipulation of the contract is the University of Insubria, with registered office in Varese (VA) Via Ravasi 2, in the person of the Magnificent Rector. The University has appointed the Data Protection Officer who can be contacted at the following references: privacy@uninsubria.it, PEC: privacy@pec.uninsubria.it.

The University processes the data provided to it exclusively for the purposes related to the completion of the procedures relating to this notice – legal basis art. 6, paragraph 1, letter b) of Regulation 2016/679, for the fulfilment of the legal obligations related to it to which the data controller is subject – legal basis art. 6, paragraph 1, letter c) of EU Regulation 2016/679.

Personal data may be processed by employees or collaborators of the Data Controller who, operating under the direct authority of the latter, are authorised to process the data and receive adequate training and operating instructions in this regard (Article 29 of EU Regulation 2016/679), by persons who, operating on behalf of the Data Controller, guarantee the adoption of appropriate technical and organisational measures by virtue of a contract or other binding legal act (Article 28 of EU Regulation 2016/679) or by independent data controllers to whom the data will be communicated only for the achievement of the aforementioned purposes.

The data collected will be stored for the time established by current legislation or

University regulations, also to manage any disputes.

The provision of data is mandatory, therefore any refusal to provide them will make it impossible to admit the Company to the tender procedure.

The data subject has the right to obtain access to and rectification of personal data. The interested party, where provided for by the law, has the right to obtain the erasure of the same or the limitation of the processing concerning him/her or to object to their processing. The data subject has the right to data portability carried out by automated means. There is no processing that is based on the consent of the data subject; where there are, the data subject would have the right to revoke it at any time, without prejudice to the lawfulness of the processing based on the consent subsequently withdrawn. Finally, the data subject has the right to lodge a complaint with the supervisory authority - the Italian Data Protection Authority - and to take action to obtain compensation for any damage suffered against the data controller or processor. To exercise these rights, the data subject may contact the data controller via certified email.

9. INFORMATION ON THE APPLICATION OF THE LEGISLATION ON THE PREVENTION OF CORRUPTION

The University, in implementation of the relevant legislation, has adopted its Three-Year Plan for the prevention of corruption and appointed the Head of Corruption Prevention.

The Three-Year Plan is published on the institutional website on page <https://www.uninsubria.it/amministrazione-trasparente/disposizioni-general/piano-triennale-la-prevenzione-della-corruzione-e>. Any reports can be sent to anticorruzione@uninsubria.it.

Como, *date of digital signature*

The Director of the Department
Prof. Francesca Gisella Zoe Ruggieri
Digitally signed

Sole Project Manager (art. 15 Legislative Decree 36/2023): Mr. Rosario Cumbo
Tel. +39 031/238.4330 – rosario.cumbo@uninsubria.it