TENDER FORM

**< Contract title >**

<**Ref. number>**

<Lot number & lot title, if applicable>

**Please supply one signed** form (for each lot, if the tender procedure is divided into lots).Your application must include a signed declaration using the annexed format from each legal entity making the application. **All data included in this application must concern only the legal entity or entities making the application.**

Any additional documentation (brochures, letters etc.) sent with your application/tender will not be taken into consideration (except if required by the Tender Dossier).Applications submitted by a **consortium** (i.e. either a permanent, legally-established grouping or a grouping set up informally for a specific tender procedure) must follow the instructions applicable to the consortium leader and its members.

An economic operator may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. If they do, they must prove to the contracting authority that they have the resources needed to perform the contract, for example by producing a commitment from those entities to place resources at their disposal. Such entities, for instance the parent company of the economic operator, must respect the same rules of eligibility and nationality as the economic operator, as well as the relevant selection criteria. With regard to technical and professional criteria, an economic operator may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required. With regard to economic and financial criteria, the entities upon whose capacity the tenderer relies, become jointly and severally liable for the performance of the contract.

**1 SUBMITTED by**

|  |  |  |
| --- | --- | --- |
|  | **Name(s) of legal entity or entities making this application** | **Nationality[[1]](#footnote-1)** |
| **Leader[[2]](#footnote-2)** |  |  |
| **Member** |  |  |
| **Etc …** |  |  |

**2 CONTACT PERSON (for this application)**

|  |  |
| --- | --- |
| **Name** |  |
| **Organisation** |  |
| **Address** |  |
| **Telephone** |  |
| **Fax** |  |
| **e-mail** |  |

**3 ECONOMIC AND FINANCIAL CAPACITY[[3]](#footnote-3)**

Please complete the following table of financial data[[4]](#footnote-4) based on your annual accounts.

|  |
| --- |
| Please see Contract Notice point 21.1) for example criteria. Do not forget to align the table below to the criteria set in the Contract Notice point 21.1).  If you do not use this criteria, you may put N/A, but because all documents are numbered and connected it is not recommended to delete this point completely. |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Financial data**  Data requested in this table must be consistent with the selection criteria set in the contract notice | **2 years before last year[[5]](#footnote-5)**  **<insert year>**  **<currency>** | **Year before last year <insert year>**  **<currency>** | **Last year <insert year>**  **<currency>** | **Average[[6]](#footnote-6)  EUR** |
| Annual turnover, excluding this contract |  |  |  |  |
| Current Assets |  |  |  |  |
| Current Liabilities |  |  |  |  |
|  |  |  |  |  |

**4 STAFF**

Please provide the following statistics on staff for the current year and the two previous years.[[7]](#footnote-7)

|  |
| --- |
| Please see Contract Notice point 21.2) for example criteria. Do not forget to align the table below to the criteria set in the Contract Notice point 21.2).  If you do not use this criteria, you may put N/A, but because all documents are numbered and connected it is not recommended to delete this point completely. |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Annual Manpower** | **Year before past year** | | **Past year** | | **Current year** | | **Period average** | |
|  | **Overall** | **Relevant fields**[[8]](#footnote-8) | **Overall** | **Relevant fields** 11 | **Overall** | **Relevant fields** 11 | **Overall** | **Relevant fields** 11 |
| Permanent staff [[9]](#footnote-9) |  |  |  |  |  |  |  |  |
| Other staff [[10]](#footnote-10) |  |  |  |  |  |  |  |  |
| Total |  |  |  |  |  |  |  |  |
| Permanent staff as a proportion of total staff (%) | % | % | % | % | % | % | % | % |

**5 AREAS OF SPECIALISATION**

Please fill in the table below to indicate any areas of specialist knowledge related to this contract for each legal entity making this application. State the type of area of specialisation as the row heading and use the name of the legal entity as the column headings. Indicate the areas of specialist knowledge each legal entity has by placing a tick (✓) in the box corresponding to the specialisation in which it has significant experience. **Maximum 10 specialisations**.

|  |
| --- |
| Please see Contract Notice point 21.2)/21.3) for example criteria. Do not forget to align the table below to the criteria set in the Contract Notice point 21.2)/ 21.3).  If you do not use this criteria, you may put N/A, but because all documents are numbered and connected it is not recommended to delete this point completely. |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Leader | Member 2 | Member 3 | Etc … |
| Relevant specialisation 1 |  |  |  |  |
| Relevant specialisation 2 |  |  |  |  |
| Etc …[[11]](#footnote-11) |  |  |  |  |

**6 EXPERIENCE**

Please fill in the table below to summarise the main projects related to this contract carried out over the past [5][3 for economic sectors with rapid evolution] years by the legal entity or entities making this application. The number of references to be provided is not limited.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Ref #** | **Project title** | **Country** | **Overall service value (currency)** | **Proportion provided by legal entity (%)** | **Name of client** | **Dates** | **Detailed description of service** |
| 1 | … | … | … | … | … | … | … |
| 2 | … | … | … | … | … | … | … |
| 3… | … | … | … | … | … | … | … |

**7 DECLARATIONS**

As part of their application, each legal entity identified under point 1 of this application, including every consortium member, must submit a signed declaration using the attached format. The declaration may be in original or in copy. If copies are submitted, the originals must be sent to the Contracting Authority upon request.

Moreover, each legal entity identified under point 1 of this application, including every consortium member, and capacity-providing entities (if any) must submit a declaration of honour on exclusion and selection criteria.

**TENDERER’S DECLARATION  
To be submitted on the headed notepaper of the legal entity concerned**

<Date>

<Name and address of the Contracting Authority — see points 5 & 25 of the contract notice >

**Your ref: < Publication reference >**

Dear Sir/Madam

**TENDERER’S DECLARATION**

For open procedure: In response to your contract notice < publication reference >, we, < name(s) of legal entity or entities>, confirm that we intend to submit a tender for the contract for [lot number <number> of]\* the above

For simplified procedure: In response to your letter of invitation to tender for the above contract, we <**Name(s) of legal entity or entities**>hereby declare that we:

* are submitting this tender [**on an individual basis]** \* [**as member of the consortium** led by < name of the leader> [ourselves]] \* for this contract. We confirm that we are not participating in any other tender for the same contract in any form (as a member — including leader — in a consortium or as an individual Candidate);
* we have examined and accept without reserve or restriction the entire contents of the tender dossier for the tender procedure referred to above. We offer to provide the services requested in the tender dossier on the basis of the documents we submit;
* agree to abide by the ethics clauses in Section 13 of the Instructions to Tenderers (section 2.5.6. of the Practical Guide), have not been involved in the preparation of the project which is the subject of this tender procedure unless it is proved that the involvement in previous stages of the project does not constitute unfair competition, and have no professional conflicting interests and/or any relation with other short-listed / invited candidates or other parties in the tender procedure or behaviour which may distort competition at the time of submitting this tender according to Section 2.5.4 of the Practical Guide;
* [ have attached a current list of the enterprises in the same group or network as ourselves] [ are not part of a group or network] \*;
* [We undertake to guarantee the eligibility of the subcontractor(s) for the parts of the services for which we have stated our intention to subcontract in the Organisation and Methodology.] (delete this sentence if not applicable)
* Accept that this tender is subject to acceptance within the validity period stipulated in the Tender Dossier
* will inform the Contracting Authority immediately if there is any change in the above circumstances at any stage during the tender procedure or during implementation of the tasks;
* We also undertake, if required, to provide evidence of our financial and economic standing and our technical and professional capacity according to the selection criteria for this call for tender specified in the contract notice, point 21, if required.
* fully understand and accept that if the above-mentioned persons participate in spite of being in any of the situations listed in Section 2.6.10.1.1. of the Practical Guide or if the declarations or information provided prove to be false they may be subject to rejection from this procedure;
* are aware that, for the purposes of safeguarding the financial interests of the EU, our personal data may be transferred to internal audit services, to the European Court of Auditors, to the Financial Irregularities Panel or to the European Anti-Fraud Office.

We understand that our tender and the expert may be excluded if we propose the same key expert as another tenderer.

We are fully aware that, for a consortium, the composition of the consortium cannot be changed in the course of the tender procedure, unless the Contracting Authority has given its prior approval in writing. We are also aware that the consortium members have joint and several liability towards the Contracting Authority concerning participation in the above tender procedure and any contract awarded to us as a result of it.

We understand that entities upon whose capacity we rely with regard to economic and financial criteria, become jointly and severally liable for the performance of the contract

[\* Delete as applicable]

We understand that if we fail to respond within the delay after receiving the notification of award, or if the information provided is proved false, the award may be considered null and void.

If this declaration is completed by a consortium member:

Please complete the following table of financial data based on your annual accounts.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Financial data**  Data requested in this table must be consistent with the selection criteria set in the contract notice | **2 years before last year**  **<insert year>**  **<currency>** | **Year before last year <insert year>**  **<currency>** | **Last year <insert year>**  **<currency>** | **Average  EUR** |
| Annual turnover, excluding this contract |  |  |  |  |
| Current Assets |  |  |  |  |
| Current Liabilities |  |  |  |  |

The following table contains statistics on our staff, as included in the consortium’s application form:

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Annual Manpower** | **Year before past year** | | **Past year** | | **Current year** | | **Period average** | |
|  | **Overall** | **Relevant fields** | **Overall** | **Relevant fields** 11 | **Overall** | **Relevant fields** | **Overall** | **Relevant fields** |
| Permanent staff |  |  |  |  |  |  |  |  |
| Other staff |  |  |  |  |  |  |  |  |
| Total |  |  |  |  |  |  |  |  |
| Permanent staff as a proportion of total staff (%) | % | % | % | % | % | % | % | % |

**ANNEX 1 – DECLARATION OF HONOUR ON EXCLUSION AND SELECTION CRITERIA**

**Declaration on honour on  
exclusion criteria and selection criteria[[12]](#footnote-12)**

The undersigned, representing:

|  |  |
| --- | --- |
| (*only for natural persons*) himself or herself | (*only for legal persons*) the following legal person: |
| ID or passport number: | Full official name:  Official legal form:  Statutory registration number**:**  Full official address:  VAT registration number: |

|  |  |  |
| --- | --- | --- |
| 1. declares whether the above-mentioned person is in one of the following situations or not: | | |
| **Situation of exclusion concerning the person** | YES | NO |
| 1. it is bankrupt, subject to insolvency or winding up procedures, its assets are being administered by a liquidator or by a court, it is in an arrangement with creditors, its business activities are suspended or it is in any analogous situation arising from a similar procedure provided for under national legislation or regulations; | ☐ | X |
| 1. it has been established by a final judgement or a final administrative decision that the person is in breach of its obligations relating to the payment of taxes or social security contributions in accordance with the law of the country in which it is established, with those of the country in which the contracting authority is located or those of the country of the performance of the contract; | ☐ | X |
| 1. it has been established by a final judgement or a final administrative decision that the person is guilty of grave professional misconduct by having violated applicable laws or regulations or ethical standards of the profession to which the person belongs, or by having engaged in any wrongful conduct which has an impact on its professional credibity where such conduct denotes wrongful intent or gross negligence, including, in particular, any of the following: |  | |
| (i) fraudulently or negligently misrepresenting information required for the verification of the absence of grounds for exclusion or the fulfilment of selection criteria or in the performance of a contract; | ☐ | X |
| (ii) entering into agreement with other persons with the aim of distorting competition; | ☐ | X |
| (iii) violating intellectual property rights; | ☐ | X |
| (iv) attempting to influence the decision-making process of the contracting authority during the award procedure; | ☐ | X |
| (v) attempting to obtain confidential information that may confer upon it undue advantages in the award procedure***;*** | ☐ | X |
| 1. it has been established by a final judgement that the person is guilty of any of the following: |  | |
| (i) fraud, within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests, drawn up by the Council Act of 26 July 1995; | ☐ | X |
| (ii) corruption, as defined in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of EU Member States, drawn up by the Council Act of 26 May 1997, and in Article 2(1) of Council Framework Decision 2003/568/JHA, as well as corruption as defined in the legal provisions of the country where the contracting authority is located, the country in which the person is established or the country of the performance of the contract; | ☐ | X |
| (iii) participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA; | ☐ | X |
| (iv) money laundering or terrorist financing, as defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council; | ☐ | X |
| (v) terrorist-related offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA, respectively, or inciting, aiding, abetting or attempting to commit such offences, as referred to in Article 4 of that Decision; | ☐ | X |
| (vi) child labour or other forms of trafficking in human beings as defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council; | ☐ | X |
| 1. the person has shown significant deficiencies in complying with the main obligations in the performance of a contract financed by the Union’s budget, which has led to its early termination or to the application of liquidated damages or other contractual penalties, or which has been discovered following checks, audits or investigations by an Authorising Officer, OLAF or the Court of Auditors; | ☐ | X |
| 1. it has been established by a final judgment or final administrative decision that the person has committed an irregularity within the meaning of Article 1(2) of Council Regulation (EC, Euratom) No 2988/95; | ☐ | X |
| 1. for the situations of grave professional misconduct, fraud, corruption, other criminal offences, significant deficiencies in the performance of the contract or irregularity, the applicant is subject to: 2. facts established in the context of audits or investigations carried out by the Court of Auditors, OLAF or internal audit, or any other check, audit or control performed under the responsibility of an authorising officer of an EU institution, of a European office or of an EU agency or body; 3. non-final administrative decisions which may include disciplinary measures taken by the competent supervisory body responsible for the verification of the application of standards of professional ethics; 4. decisions of the ECB, the EIB, the European Investment Fund or international organisations; 5. decisions of the Commission relating to the infringement of the Union's competition rules or of a national competent authority relating to the infringement of Union or national competition law; or 6. decisions of exclusion by an authorising officer of an EU institution, of a European office or of an EU agency or body. | ☐ | X |

|  |  |  |
| --- | --- | --- |
| 1. declares whether a natural person who is a member of the administrative, management or supervisory body of the above-mentioned legal person, or who haspowers of representation, decision or control with regard to the above-mentioned legal person (this covers the company directors, members of the management or supervisory bodies, and cases where one natural person holds a majority of shares) is in one of the following situations or not: | | |
| **Situations of exclusion concerning natural persons with power of representation, decision-making or control over the legal person** | YES | NO |
| Situation (c) above (grave professional misconduct) | ☐ | X |
| Situation (d) above (fraud, corruption or other criminal offence) | ☐ | X |
| Situation (e) above (significant deficiencies in performance of a contract ) | ☐ | X |
| Situation (f) above (irregularity) | ☐ | X |

|  |  |  |  |
| --- | --- | --- | --- |
| 1. declares whether a natural or legal person that assumes unlimited liability for the debts of the above-mentioned legal person is in one of the following situations or not: | | | |
| **Situations of exclusion concerning natural or legal persons assuming unlimited liability for the debts of the legal person** | YES | NO | N/A |
| Situation (a) above (bankruptcy) | ☐ | X | ☐ |
| Situation (b) above (breach in payment of taxes or social security contributions) | ☐ | X | ☐ |

|  |  |  |
| --- | --- | --- |
| 1. declares whether the above-mentioned person is in one of the following situations or not: | | |
| Grounds for rejection from this procedure | YES | NO |
| 1. has distorted competition by being previously involved in the preparation of procurement documents for this procurement procedure; | ☐ | X |
| 1. has provided accurate, sincere and complete information to the contracting authority within the context of this procurement procedure; | X | ☐ |
| 1. acknowledges that the above-mentioned person may be subject to rejection from this procedure and to administrative sanctions (exclusion or financial penalty) if any of the declarations or information provided as a condition for participating in this procedure prove to be false. | X | |

**Remedial measures**

If the person declares one of the situations of exclusion listed above, it should indicate the measures it has taken to remedy the exclusion situation, thus demonstrating its reliability. They may include e.g. technical, organisational and personnel measures to prevent further occurrence, compensation of damage or payment of fines. The relevant documentary evidence which appropriately illustrates the remedial measures taken should be provided in annex to this declaration. This does not apply for the situations referred in point (d) of this declaration.

**Evidence upon request**

Upon request and within the time limit set by the contracting authority the person shall provide information on the persons that are members of the administrative, management or supervisory body, as well as the evidence concerning the person or the natural or legal persons which assume unlimited liability for the debt of the person:

|  |  |  |
| --- | --- | --- |
| 1. declares whether the above-mentioned person complies with the selection criteria as provided in the tender specifications: | | |
| **Selection criteria** | YES | NO |
| 1. It has the legal and regulatory capacity to pursue the professional activity needed for performing the contract as required in the tender dossier; | X | ☐ |
| 1. It fulfills the applicable economic and financial criteria indicated in the tender dossier; | X | ☐ |
| 1. It fulfills the applicable technical and professional criteria indicated in the tender dossier. | X | ☐ |
| 1. declares that the above-mentioned person will be able to provide the necessary supporting documents listed in the relevant sections of the tender specifications and which are not available electronically upon request and without delay, if required. | X | |

**<Signature of authorised representative of the legal entity >**

**< Name and position of authorised representative of the legal entity >**

**< Date >**

**Annex II - Statement of exclusivity and availability[[13]](#endnote-1)  
  
Publication ref:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

I, the undersigned, hereby declare that I agree to participate exclusively with the tenderer < tenderer name > in the above-mentioned service tender procedure. This includes that I will not be proposed as a replacement expert in this tender procedure. I declare that I am able and willing to work for the period(s) set for the position for which my CV has been included if this tender is successful, namely:

|  |  |  |
| --- | --- | --- |
| **From** | **To** | **Availability** |
| < start of period 1 > | < end of period 1 > | [full time] [part time] |
| < start of period 2 > | < end of period 2 > | [full time] [part time] |
| < etc. > |  |  |

I confirm that I do not have a confirmed engagement[[14]](#endnote-2) as key expert in another EU/EDF-funded project, or any other professional activity, incompatible in terms of capacity and timing with the above engagements.

By making this declaration, I understand that I am not allowed to offer my services as an expert to any other tenderer participating in this tender procedure. I am fully aware that if I do so, I will be excluded from this tender procedure, the tenders will be rejected, and I may also be subject to exclusion from other tender procedures and contracts funded by the EU/EDF.

I also declare that I am not in a situation of conflict of interest or unavailability and commit to inform the tenderer(s) of any change in my situation.

I acknowledge that I have no contractual relations with the contracting authority and in case of dispute concerning my contract with the contractor I shall address myself to the latter and/or to the competent jurisdictions.

[For information, I have signed a statement of exclusivity and availability for the following tender(s):

|  |  |  |
| --- | --- | --- |
| **Tender reference** | **Submission deadline for the tender** | **Tendered engagement** |
| < tender reference > | < date > | [full time] [part time] |
| < tender reference > | < date > | [full time] [part time] |
| < etc. > |  |  |

Should I receive a confirmed engagement I declare that I will accept the first engagement offered to me chronologically. Furthermore I will notify the tenderer immediately of my unavailability. ]

|  |  |
| --- | --- |
| **Name** |  |
| **Signature** |  |
| **Date** |  |

1. Country in which the legal entity is established. [↑](#footnote-ref-1)
2. Add/delete additional lines for members as appropriate. Note that a subcontractor is not considered to be a member for the purposes of this tender procedure. If this tender is being submitted by an individual tenderer, the name of the tenderer should be entered as ‘leader’ (and all other lines should be deleted). [↑](#footnote-ref-2)
3. Natural persons have to prove their capacity in accordance with the selection criteria and by the appropriate means. [↑](#footnote-ref-3)
4. If this application is submitted by a consortium, the data in the table must be the sum of the data in the corresponding tables in the declarations provided by the consortium members — see point 7 of this application form. Consolidated data are not requested for financial ratios. [↑](#footnote-ref-4)
5. Last year=last accounting year for which the entity's accounts have been closed. [↑](#footnote-ref-5)
6. Amounts entered in the ‘Average’ column must be the mathematical average of the amounts entered in the three preceding columns of the same row [↑](#footnote-ref-6)
7. If this application is submitted by a consortium, the data in the table above must be the sum of the data in the corresponding tables in the declarations provided by the consortium members — see point 7 of this form. [↑](#footnote-ref-7)
8. Corresponding to the relevant specialisms identified in point 5 below. [↑](#footnote-ref-8)
9. Staff directlyemployed by the Tenderer on a permanent basis (i.e. under indefinite contracts). [↑](#footnote-ref-9)
10. Other staff not directlyemployed by the Tenderer on a permanent basis (i.e. under fixed-term contracts). [↑](#footnote-ref-10)
11. add/delete additional lines and/or rows as appropriate. If this tender is being submitted by an individual legal entity, the name of the legal entity should be entered as ‘Leader’ (and all other columns should be deleted). [↑](#footnote-ref-11)
12. If tenderer is a consortium, Declaration on honour on exclusion criteria and selection criteria must be signed by all members of the consortium. [↑](#footnote-ref-12)
13. To be completed by all key experts. [↑](#endnote-ref-1)
14. The engagement of an expert is confirmed if the expert is committed to work as a key expert under a signed contract financed by the EU general budget or the EDF or if he/she is a key expert in a tender which has received a notification of award. The date of confirmation of the engagement in the latter case is that of the notification of award to the Contractor. [↑](#endnote-ref-2)