**VOLUME 1**

# SECTION 2

# TENDER FORM

**TENDER FORM FOR A WORKS CONTRACT**

Publication reference: < Publication reference >

Name of contract: < Name of contract>

**<Place and date>**

**A: <Name and address of Contracting Authority >.**

**One signed** form must be supplied (for each lot, if the tender procedure is divided into lots), together with the number of copies specified in the Instruction to Tenderers**.** The form contains a declaration. Any additional documentation (brochure, letter, etc.) sent with the form will not be taken into consideration (except if required by the Tender Dossier).

**All data included in this form must concern only the legal entity or entities making the application.** The attachments to this form (i.e. declarations, statements, proofs) may be in original or copy. If copies are submitted, the originals must be sent to the Contracting Authority upon request.

**1 SUBMITTED BY**

|  |  |  |
| --- | --- | --- |
|  | **Name(s) of tenderer(s)** | **Nationality[[1]](#footnote-1)** |
| **Leader[[2]](#footnote-2)** |  |  |
| **Member 2\*** |  |  |
| **Etc …** |  |  |

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

|  |  |
| --- | --- |
| **Name** |  |
| **Address** |  |
| **Telephone** |  |
| **Fax** |  |
| **E-mail** |  |

**3 TENDERER’S DECLARATION(S)**

**As part of their tender, each legal entity identified under point 1 of this form, including every consortium member, as well as** **each capacity-providing entity and each subcontractor providing more than 10% of the works, must submit a signed declaration using this format, together with the Declaration of honour on exclusion and selection criteria (Annex 1). Signed originals of mentioned documents must be dispatched to the Contracting Authority upon request.**

In response to your letter of invitation to tender for the above contract,

we, the undersigned, hereby declare that:

1. We have examined and accept in full the content of the dossier for invitation to tender No [……………………………….] of [../../..]. We hereby accept its provisions in their entirety, without reservation or restriction.
2. We offer to execute, in accordance with the terms of the tender dossier and the conditions and time limits laid down, without reserve or restriction, the following works:

Lot No 1: [*description of works*]

Lot No 2: [*description of works*]

Etc.

1. The price of our tender [*excluding the discounts described under point 4*] is:

Lot No 1: [……………………………………………..]

Lot No 2: [……………………………………………..]

Etc.

1. We will grant a discount of [%], or […………..] [*in the event of our being awarded Lot No ...and Lot No ………*].
2. This tender is valid for a period of 90 days from the final date for submission of tenders.
3. [For contracts worth up to 345 000 EUR, and on the basis of objective criteria such as the nature and value of the contract, the contracting authority may decide not to demand such a guarantee: If our tender is accepted, we undertake to provide a performance guarantee, as required by Article 15 of the Special Conditions.]
4. Our firm/company [*and our subcontractors*] has/have the following nationality:

**<**…………………………………………………>

1. We are making this tender [on an individual basis/as member of the consortium led by < name of the leader / ourselves >]. We confirm that we are not tendering for the same contract in any other form. [We confirm, as a member of the consortium, that all members are jointly and severally bound in respect of the obligations under the contract, including any recoverable amount, that the lead member is authorised to bind, and receive instructions for and on behalf of, each member, that the execution of the contract, including payments, is the responsibility of the lead member, and that all members in the joint venture/consortium are bound to remain in the joint venture/consortium for the entire period of the contract’s execution].[We confirm, as capacity-providing entity to be jointly and severally bound in respect of the obligations under the contract, including for any recoverable amount.]
2. In the event that our tender is successful, we undertake, if required, to provide the proof usual under the law of the country in which we are effectively established that we do not fall into any of the exclusion situations. The date on the evidence or documents provided will be no earlier than one year before the date of submission of tender and, in addition, we will provide a statement that our situation has not altered in the period which has elapsed since the evidence in question was drawn up. We also understand that if we fail to provide this proof within 15 calendar days after receiving the notification of award, or if the information provided is proved false, the award may be considered null and void.
3. We agree to abide by the ethics clauses in Clause 28 of the instructions to tenderers and, in particular, have no professional conflicting of interests and/or any equivalent relation with other candidates or other parties in the tender procedure or behaviour which may distort competition at the time of the submission of this application according to Section 2.5.4. of the Practical Guide. We have no interest of any nature whatsoever in any other tender in this procedure.
4. We will inform the Contracting Authority immediately if there is any change in the above circumstances at any stage during the implementation of the contract. We also fully recognise and accept that any inaccurate or incomplete information deliberately provided in this application may result in our exclusion from this and other contracts funded by the EU/EDF.
5. We note that the Contracting Authority is not bound to proceed with this invitation to tender and that it reserves the right to award only part of the contract. It will incur no liability towards us should it do so.
6. We fully recognise 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.
7. We are aware that, for the purposes of safeguarding the EU's financial interests, our personal data may be transferred to internal audit services, to the Early Detection and Exclusion System, to the European Court of Auditors, to the Financial Irregularities Panel or to the European Anti-Fraud Office.

**FORM 4.1   
GENERAL INFORMATION ABOUT THE TENDERER**

1. Name of company ............................................................................................................................................................................................................................................................
2. Registered address ............................................................................................................................................................................................................................................................Telephone .............................. Fax................................. Telex........................... E-mail..............................................................
3. Names and nationalities of principals/directors and associates....................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................
4. Type of company (natural person, partnership, corporation, etc.).............................................................................................................
5. Company’s nationality ...........................................................
6. Registration details ...................................................................................................................................................................................
7. Name(s) and address(es) of companies involved in the project and whether parent/subsidiary/subcontractor/other:..............................................................................................................................................................................................................................................................................................................................

**FORM 4.3  
POWER OF ATTORNEY**

Please attach here the power of attorney empowering the signatory of the tender and all related documentation.

**FORM 4.4  
FINANCIAL STATEMENT**

Please provide all of the information required in euro or national currency (NC) equivalent.

4.4.1 Basic capital

|  |  |
| --- | --- |
| Amount.................................... | Euro or NC |

4.4.2 Annual value of construction work undertaken for each of the last three years

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Euro or NC | Year-3 | Year-2 | Last year | Current year |
| Total |  |  |  |  |

4.4.4[[3]](#footnote-3) Please attach copies of the company’s certified statements of account for the previous three years (with translations into the procedural language, if necessary) from which the following basic data will be abstracted.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Euro or NC | Year-2 | Year-1 | Last year | Current year |
| 1.Total assets  2.Total liabilities  *Net Value (1 minus 2)* | ....................  .................... | ....................  .................... | ....................  .................... | ....................  .................... |
| 3.Liquid assets  4.Short-term debts  *Working capital (3 minus 4)* | ....................  .................... | ....................  .................... | ....................  .................... | ....................  .................... |
| 5.Pre-tax profits  6.Losses | ................................ | ........................ | ............................ | ........................ |

4.4.5 Name and address of banks (principal/others):

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

4.4.6 Please enclose a reference/certificate about the financial situation of the company and its access to credit facilities (maximum amount of credit facility to be stated in euro or NC equivalent)

|  |
| --- |
| **FORMS**  Please see section 12.2 of the Instructions to Tenderers for example criteria. Do not forget to align the table below to the criteria set in the section 12.2 of the Instructions to Tenderers.  All unnecessary sections may / should be deleted and not requested from the Tenderers (since documents are numbered and connected it is not recommended to change form numbers). |

# FORM 4.6.1 OVERVIEW OF THE TENDERER’S STAFF

i - Overview

a - Directors and management ........................

b - Administrative staff ........................

c - Technical staff

- State staff… ........................

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Total ===========

# STAFF TO BE EMPLOYED ON THE CONTRACT

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Position/Name | Nationality | Age | Education | Years of experience (with the company/in construction) | Major works for which responsible (project/value) |
|  |  |  |  |  |  |
| **Quality control .............................** |  |  |  | / |  |
|  |  |  |  |  |  |
| **Others responsible for .........................................** |  |  |  | / |  |

# FORM 4.6.1.3

# PROFESSIONAL EXPERIENCE OF KEY STAFF

# CURRICULUM VITAE

(Maximum 3 pages + 3 pages of annexes)

Proposed position in the contract:

1. Surname:

2. Name:

3. Date and place of birth:

4. Nationality:

5. Civil status:

Address (phone/fax/e-mail):

6. Education:

|  |  |
| --- | --- |
| *Institutions:* |  |
| *Date:*  *From (month/year) - To (month/year)* |  |
| *Degree or qualification:* |  |

7. Language skills

Indicate on a scale of 1 to 5 (1 — excellent; 5 — basic):

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| *Language* | *Level* | *Passive* | *Spoken* | *Written* |
|  | *Mother tongue* |  |  |  |
|  |  |  |  |  |

8. Membership of professional bodies:

9. Other skills (e.g. computer literacy):

10. Current position:

11. Years of professional experience:

12. Key qualifications:

13. Specific experience in non-industrialised countries:

|  |  |  |
| --- | --- | --- |
| *Country* | *Date: from (month/year) to (month/year)* | *Name and brief description of the project* |
|  |  |  |

14. Professional experience:

|  |  |
| --- | --- |
| *Date: from (month/year) to (month/year)* |  |
| Place |  |
| Company/organisation |  |
| Position |  |
| Job description |  |

15. Others:

15a. Publications and seminars:

15b. References:

# FORM 4.6.3

# WORK PLAN AND PROGRAMME

4.6.3.1 State the proposed location of your main office on the site, stations (steel/concrete/asphalt structures), warehouses, laboratories, accommodation, etc. (sketches to be attached as required).

4.6.3.2 Give a brief outline of your programme for completing the works in accordance with the required method of construction and stated time of completion.

4.6.3.3 Attach a critical milestone bar chart (schedule of execution) representing the construction programme and detailing relevant activities, dates, allocation of labour and plant resources, etc.

4.6.3.4 If the tenderer plans to subcontract part of the works, he must provide the following details:

|  |  |  |  |
| --- | --- | --- | --- |
| Work intended to be subcontracted | Name and details of subcontractors | Value of subcontracting as percentage of the total cost of the project | Experience in similar work (details to be specified) |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

# FORM 4.6.4

# EXPERIENCE AS CONTRACTOR

**4.6.4.1** List of contracts of similar nature and scale performed during the past <insert number> years

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Name of project/type of works | Total value of works the Contractor was responsible for2 | Period of contract | Start date | Percentage of works completed | Contracting authority and place | Prime contractor (P) or subcontractor (S) | Final acceptance issued? - Yes - Not yet (current contracts) – No |
|  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |

**4.6.4.2[[4]](#footnote-4)** Please attach here available references and certificates from the relevant Contracting Authorities

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

**Declaration on honour on  
exclusion criteria and selection criteria[[5]](#footnote-5)**

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 >**

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. Please see point 4 in Instructions to Tenders if documentary evidence/proof is needed. [↑](#footnote-ref-3)
4. Please see point 4 in Instructions to Tenders if documentary evidence/proof is needed. [↑](#footnote-ref-4)
5. 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-5)